

NOT FINAL UNTIL TIME
EXPIRES TO FILE RE-HEARING
MOTION, AND IF FILED,
DISPOSED OF.

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

APPELLATE DIVISION
CASE NO. 07-522 AP

LOWER COURT CASE NO.
Z05-285 (07-4-CZ14-1)

MIGUEL A. BRIZUELA,
Petitioner,

vs.

MIAMI-DADE COUNTY,
Respondent.

THE ORIGINAL FILED
ON APR 16 2008
IN THE OFFICE OF THE CLERK
CIRCUIT COURT MIAMI-DADE COUNTY

Opinion filed: April 16, 2008

A Petition for Writ of Certiorari from Miami-Dade County, Florida.

MIGUEL A. BRIZUELA, ESQUIRE, LAW OFFICE OF MIGUEL A. BRIZUELA, for
petitioner.

R. A. CUEVAS, JR., MIAMI-DADE COUNTY ATTORNEY, and JAY W. WILLIAMS,
ASSISTANT COUNTY ATTORNEY, for respondent.

Before STUART M. SIMONS, JOEL H. BROWN, and SARAH ZABEL JJ.

PER CURIAM.

DENIED.

COPIES FURNISHED TO COUNSEL
OF RECORD AND TO ANY PARTY
NOT REPRESENTED BY COUNSEL

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

APPELLATE DIVISION

CASE NO. 07-522 AP

MIGUEL BRIZUELA,

Petitioner,

vs.

MIAMI- DADE COUNTY.

Respondent

Lower Tribunal No. 205-285(07-4-C214-1)

The motion for EXTENSION OF TIME is:

☒ GRANTED to 1/30/08
Failure to comply with this order may result
in dismissal of the appeal or other sanction.

☐ DENIED

Field Bagley
Circuit Court Judge

1/24/08
Date

W.S.
CIRCUIT & COUNTY CLERK
MIAMI-DADE COUNTY, FL
2008 JAN 23 PM 5:28
FILED FOR RECORD

**MOTION FOR EXTENSION OF TIME TO
FILE RESPONSE TO PETITION FOR WRIT OF CERTIORARI**

Respondent, Miami-Dade County, Florida, move this Court for an extension of time up to and including January 29th, 2008, within which to file its Response to the Petition for Writ of Certiorari filed herein, and states:

1. Because undersigned's daughter has been sick, undersigned counsel has been unable to unable to adequately prepare a Response. Accordingly, Respondent requests an extension of time up to and including January 29th, 2008 within which to file a Response to the Petition.

2. Mr. Miguel A. Brizuela, attorney for Petitioner was contacted but has not responded to our request..

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

APPELLATE DIVISION

CASE NO. 07-522 AP

LOWER
TRIBUNAL NO.
205-285 (07-4-C214-1)

FILED FOR RECORD
2007 NOV 27 PM 12:15
CLERK OF COURT
DADE COUNTY FLA.
CIVIL #101

MIGUEL A. BRIZUELA

Appellant/Petitioner(s),

vs.

MIAMI-DADE COUNTY


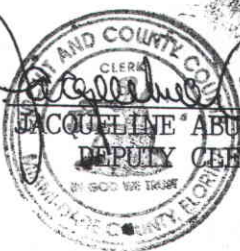
Appellee/Respondent.

The Respondent is hereby directed to file an original and three (3) copies of its response with this court within twenty (20) days from the date hereof and show cause why the above styled Petition for Writ of Certiorari should not be granted as prayed. Further, Petitioner may file its reply within ten (10) days thereafter.

A True Copy

ATTEST:

HARVERY RUVIN, Clerk
Circuit and County Courts

By 
JACQUELINE ABU-NASSAR
DEPUTY CLERK


CC: MIGUEL A. BRIZUELA, ESQUIRE
R.A. CUEVAS, JR., MIAMI-DADE COUNTY ATTORNEY
EARL JONES, MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING

HARVEY RUVIN
CLERK
CIRCUIT AND COUNTY COURTS
APPELLATE DIVISION
TELEPHONE # 305-349-7580
ROOM 133 - BALCONY
DADE COUNTY COURT HOUSE
73 WEST FLAGLER STREET
MIAMI, FL 33130

November 13, 2007

RE: Appellate Court Case No.: 07-522 AP
Lower Court Case No.: Z05-285

APPELLANT, MIGUEL A. BRIZUELA

VS.

APPELLEE, MIAMI-DADE COUNTY

MIGUEL A. BRIZUELA, ESQUIRE
MIGUEL A. BRIZUELA, P.L.
10251 S.W. 72 STREET, SUITE 105
MIAMI, FL 33173

THE ORIGINAL FILED
ON NOV 13 2007
IN THE OFFICE OF
CLERK OF CIRCUIT COURT

Dear Mr. Brizuela:

The Clerk of the Court acknowledges receipt of the following:

Petition for Writ of Certiorari reflecting the lower tribunal filing date of November 09, 2007.
Appealing an order from Miami-Dade County, dated October 12, 2007.

In the future, please use this Court's case number on all motions and correspondence filed in this cause. Refer to the Florida Rules of Appellate Procedure for time calculations and other requirements.

Sincerely,

HARVEY RUVIN
CLERK OF THE CIRCUIT AND COUNTY COURTS
IN AND FOR DADE COUNTY, FLORIDA

BY


Jacqueline Abu-Nassar
Deputy Clerk

CC: R.A. CUEVAS, JR., MIAMI-DADE COUNTY ATTORNEY
EARL JONES, MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

MIGUEL A. BRIZUELA,

APPELLATE DIVISION

Appellant,

Case No.:

vs.

Lower Tribunal No.: Z05-285 (07-4-CZ14-1)

MIAMI-DADE COUNTY

Appellee.

**PETITION FOR WRIT OF CERTIORARI PURSUANT TO RULE
9.100(c)(2), FLORIDA RULES OF APPELLATE PROCEDURE**

NATURE OF THE RELIEF SOUGHT

Miguel A. Brizuela (“Brizuela” or “Petitioner” or “Appellant”) petitions this Court for a Writ of Certiorari to quash (1) Resolution No. Z-38-07 of the Board of County Commissioners of Miami-Dade County, Florida (“BCC”) and (2) Resolution No. CZAB14-20-07 of the Miami-Dade County’s Community Zoning Appeals Board 14 (“CZAB-14”) for failing to rely upon competent substantial evidence.

JURISDICTION

This Court has jurisdiction pursuant to Rule 9.030(c)(2), Florida Rules of Appellate Procedure.

ISSUE

After Appellant proved that his rezoning proposal was consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance, did the lower tribunals have before it competent substantial evidence to support their denial of the variance when the lower tribunals relied on only unsubstantiated **and incorrect** opinions?

STANDARD OF REVIEW

Rezoning actions which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived from district alternatives presented at a hearing, and where the decision can be functionally viewed as policy application, rather than policy setting, are in the nature of quasi-judicial action¹.

A landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance². At this point, the burden shifts to the governmental board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a

¹ Board of County Commissioners of Brevard County, Florida v. Snyder, 627 So. 2d 469, 474 (Fla. 1993).

² Snyder, 627 So. 2d at 476.

legitimate public purpose³. Indeed, in order for the agency to deny a permitted special exception application, the party opposing the application (i.e., either the agency itself or a third party) must show **by competent substantial evidence** that the proposed exception does not meet the published criteria⁴.

After a local zoning authority has ruled on a zoning application, and all zoning administrative remedies are exhausted, review of the initial zoning administrative decision may be sought in the circuit court by writ of certiorari⁵. “Even though the review process is referred to as certiorari, the right to review by the court in this instance is not discretionary, but rather, is as a matter of right⁶. It is akin in many respects to a plenary appeal⁷. As a result, certiorari⁸ review of an action taken by an administrative/zoning

³ Id.

⁴ Dusseau v. Metropolitan Dade County Bd. Of County Comm’s, 794 So. 2d 1270, 1273 (Fla. 2001)(emphasis added).

⁵ Fla. R. App. P. 9.100(c)(2); Dusseau 794 So. 2d at 1273; Florida Power & Light Co. v. City of Dania, 761 So. 2d 1089, 1092 (Fla. 2000); Parker Family Trust I v. City of Jacksonville, 804 So. 2d 493, 497 (Fla. 1st DCA 2001).

⁶ Id.

⁷ Dusseau, 794 So. 2d at 1273-74; Florida Power and Light Co., 761 So. 2d at 1092.

⁸ Certiorari review in the circuit court, in this instance, is also known as first tier certiorari review. Dusseau, 794 So. 2d at 1271-72; Florida Power & Light Co., 761 So. 2d at 1092. Second tier certiorari review occurs in the state district court. Id. During the second tier review process the district

authority is governed by a three part standard review. The review circuit must determine whether:

1. procedural due process was accorded;
2. the essential requirements of the law have been observed⁹; and
3. the findings and judgments of the zoning/administrative authority is supported by competent substantial evidence¹⁰.

Competent substantial evidence is tantamount to legally sufficient evidence¹¹.

When applying the certiorari standard of review, the circuit court should not re-weigh the evidence or substitute its judgment for that of the zoning authority¹². The reviewing court may not reweigh the “pros and cons” of conflicting evidence¹³. In a certiorari proceeding, the reviewing

court is limited to determining: 1) whether due process was accorded; and 2) whether the essential requirements of the law were observed. *Id.*

⁹ Applying the correct law is synonymous with observing the essential requirements of law. *Dusseau*, 794 So. 2d at 1274. *Haines City Community Dev. Co. v. Heggs*, 658 So. 2d 523, 530 (Fla. 1995).

¹⁰ *Dusseau*, 794 So. 2d at 1274; *Florida Power & Light Co.*, 761 So. 2d 1092; *Haines City Community Dev. Co.*, 658 So. 2d at 530; *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982); *Parker Family Trust*, 804 So. 2d at 497; *see also Bd. of County Comm’rs of Brevard County v. Snyder*, 627 So. 2d 469, 474 (Fla. 1993).

¹¹ *Dusseau*, 794 So. 2d at 1274.

¹² *Vaillant*, 419 So. 2d at 626; *Snyder*, 627 So. 2d at 474; *see Dusseau*, 794 So. 2d 1275-76; *Florida Power & Light Co.*, 761 So. 2d at 1093; *De Groot v. Sheffield*, 95 So. 2d 912, 916 (Fla. 1957).

¹³ *Dusseau*, 794 So. 2d at 1276.

court is prohibited from performing a de novo court review, and by law is limited to a review of the record made at the previous zoning hearing¹⁴. The sole issue before the court on first-tier certiorari review is whether the agency's decision is lawful¹⁵. The court must review the record to assess the evidentiary support for the agency's decision¹⁶.

REFERENCES TO THE RECORD

Appellant has filed herewith an Appendix consisting of ten (10) volumes containing the record. In this Petition, references to the record shall be designated as "A" followed by Appendix Volume number and page number (e.g., "A7:8-10" means Volume 7, Pages 8 through 10) and on occasion line numbers ("L. ____").

FACTS UPON WHICH PETITIONER RELIES

THE APPELLANT'S PROPOSED LOTS VIS-À-VIS THE OTHER LOTS IN THE VICINITY

Appellant owns a vacant parcel of land in Miami-Dade County on which he seeks to build two (2) houses (the "Property")¹⁷. The Property is presently zoned for agriculture¹⁸. In order to build two (2) houses, Appellant has sought, first, approval of a district boundary change from Agriculture to

¹⁴ Battaglia Fruit Co. v. City of Maitland, 530 So. 2d 940, 943 (Fla. 5th DCA 1988).

¹⁵ Dusseau, 794 So. 2d at 1276.

¹⁶ Id.

¹⁷ A9: 3

¹⁸ Id.

EU-M (Single Family Modified Estate District), and second, a variance on the frontage requirements¹⁹.

The EU-M zoning district (the zoning district requested) requires lots to be developed with a minimum lot area of 15,000 sq. ft. net, with a minimum lot depth of 115 feet, and with a minimum lot frontage of 120 feet²⁰.

Appellant's proposed eastern lot is to have a lot area of **15,601** sq. ft. and Appellant's proposed western lot is to have a lot area of **15,462** sq. ft. Both the eastern and western lot will have a lot depth of 160.02 feet²¹. Thus, the eastern and western lots each meet the square footage and lot depth requirements.

The properties to the north, south, and east are zoned EU-M, and developed with single-family residences on parcels of land with lot areas ranging in size from **15,246** sq. ft. (0.35 acre) to **21,760** (0.5 acre)²².

It is important to note that the square-footage of Appellant's proposed lots are each larger than the smallest lot in the vicinity (**15,462** sq. ft. versus **15,246** sq. ft.). Conversely, if Appellant were only allowed to build one house, the combined (proposed) eastern and western lots (**31,063** sq. ft.)

¹⁹ A9: 3

²⁰ Miami-Dade County Code § 33-225

²¹ A9: 28-29.

²² A9: 6

would be immensely larger than the largest lot in the vicinity (21,760 sq. ft.)²³. The Miami-Dade Planning & Zoning Department declares that “the development of [Appellant’s lot] with one single-family residence would be out of scale with the neighboring properties as [Appellant’s lot] would be greatly larger than the adjacent EU-M zoned properties²⁴.”

The properties to the west are zoned RU-3, Four Unit Apartment House District, and developed as one-story apartments²⁵. Thus, the properties to the west of Appellant’s property have an even higher density than Appellant proposes.

PROCEDURAL HISTORY

After an exhaustive and costly review, Appellant’s petition for zoning change **and variance** ultimately were approved by the following agencies:

1. Miami-Dade Zoning and Planning Department²⁶;

²³ In 1970, 15 acres of land that surround the subject property to the north, south, and east were approved for a district boundary change from AU to EU-M, pursuant to Resolution No. Z-126-70. The subject property was not included in said application and, therefore, became a remnant AU-zoned parcel surrounded on three sides by EU-M zoned residents and by RU-3 zoned residents on the other side. See A9: 7-8.

²⁴ A9: 8

²⁵ In 1965, the Board of County Commissioners approved an application that sought to rezone an 82-acre site from AU to RU-1 and RU-3 for a residential development, pursuant to Resolution No. Z-183-65, which is the neighboring RU-3 development on the west side of SW 112 Avenue. See A9: 7-8.

²⁶ A9: 3

2. Miami-Dade Department of Environmental Resources Management (DERM)²⁷;
3. Miami-Dade Public Works Department (PWD)²⁸;
4. Miami-Dade County Public Schools²⁹;
5. Miami-Dade Fire Rescue Department³⁰; and
6. Miami-Dade Team Metro³¹.

On June 19, 2007, pursuant to Resolution No. CZAB14-20-07, the Community Zoning Appeals Board #14 (CZAB-14) approved the district boundary change from Agriculture to EU-M, but denied without prejudice a request to permit two (2) lots with a frontage of 97.51 feet where 120 feet is required³².

On July 6, 2007, Appellant appealed CZAB-14's Resolution No. CZAB 14-20-07 to the Board of County Commissioners (BCC)³³.

On October 4, 2007, the BCC passed and adopted Resolution Z-38-07, which sustained the decision of the Community Appeals Board 14³⁴.

²⁷ A9: 10

²⁸ A9: 12

²⁹ A9: 13-25

³⁰ A9: 26

³¹ A9: 27

³² A7: 1-2

³³ A5: 1-3

³⁴ A2: 1-4

Thereafter, Appellant filed this lawsuit to appeal the decision of the BCC.

Evidence Presented at the CZAB-14 Hearing

At the CZAB-14 hearing, the only evidence presented to the CZAB-14 that would support a denial of Appellant's petition, was the testimony of seven (7) non-expert lay witnesses³⁵ and one CZAB-14 Board Member³⁶.

As delineated below, these non-expert lay witnesses provided unsubstantiated and incorrect testimony, which the CZAB-14 Board Members relied upon.

Conversely, Appellant's attorney argued that two houses should be built because, first, the Miami-Dade County Planning & Zoning Department's Recommendation to CZAB-14 (referred to as "the County") "notes that if we had...one property on this lot, it would be out of sync with the rest of the area, that it would be too large and it would be an anomaly within the community³⁷." Appellant's attorney also argued that two houses should be built because there "are no objections from DERM, from Public

³⁵ A8: 9-16

³⁶ A8: 24: L. 13-24

³⁷ A8: 7: L. 2-5, citing A9: 8

Works, from Parks, MDT, fire rescue and the police, nor are there objections from the school [district]³⁸.”

The seven (7) lay witnesses that testified at the CZAB-14 hearing are: Mr. Richards, Mr. Holland, Ms. Jones, Ms. Shawshare, Ms. Culver, Mr. Dorsett, and Ms. Blake³⁹. Their testimony is as follows:

Mr. Richards entire testimony/**opinion** is:

Mr. RICHARDS: My name is Joseph Richards, I live about four -- about five houses --

CHAIRMAN LAWRENCE: We need an address.

MR. RICHARDS: 10970 Southwest 170 Terrace. And I object -- I strongly object to having that lot changed to two lots. It will change the face of the neighborhood. All our lots in there are large lots. My lot -- he just said that his lot is unusually large. That is not true. My lot is approximately the same size as [Brizuela's] lot. It's a little different, but it's approximately the same size. Most of the other lots are large lots.

³⁸ A8: 7: L.14-16, citing A9: 3, 10, 12, 13-25, 26, & 27.

³⁹ A8: 9-16

If we allow two lots there, it is going to change the face of that neighborhood. I really do not want it. And I don't stand alone. There are a lot of neighbors that feel the same way.

As far as changing from agriculture to residential, we have no problem with that. But we have a problem with changing that -- making two lots out of that one lot⁴⁰.

Mr. Richards is patently wrong; the Miami-Dade Planning & Zoning Department declares that "the development of [Brizuela's lot] with one single-family residence would be out of scale with the neighboring properties as [Brizuela's lot] would be greatly larger than the adjacent EU-M zoned properties⁴¹." The record reflects that Appellant's attorney brought this fact to the attention of CZAB-14⁴². Moreover, Appellant's attorney told the CZAB-14 that the witnesses were relying on erroneous information when they allege that the lots surrounding Appellant's lot are about the same size⁴³.

Mr. Holland's entire testimony/**opinion** is:

⁴⁰ A8: 9-10

⁴¹ A9: 8

⁴² A8: 7: L. 2-5, citing A9: 8

⁴³ A8: 17-18

MR. HOLLAND: My name is Michael Holland, my address is 11010 Southwest 170 Terrace. I'm Richard's neighbor, and I oppose the two lots. If we go with one lot, that will be fine. One house on one lot, that is okay in our neighborhood. But two in the same is not going to be acceptable; okay? Thank you⁴⁴.

Ms. Jones' entire testimony/**opinion** is:

MS. JONES: Hello, I'm Cecilia Jones. I'm a neighbor, 11011 Southwest 170th Terrace. I also oppose. All of our homes are at lease (sic) half acre. We would like the uniformity. We work very hard to keep our neighborhood up, and we realize that putting two homes on that one lot will definitely change the face of the neighborhood, not add value. I oppose. Thank you⁴⁵.

Again, the witness testified as to factually incorrect information. The Miami-Dade Planning & Zoning Department declares that "the development of [Appellant's lot] with one single-family residence would be out of scale with

⁴⁴ A8: 10

⁴⁵ A8: 10: L. 13-20.

the neighboring properties as [Appellant's lot] would be greatly larger than the adjacent EU-M zoned properties⁴⁶.” The record reflects that Appellant's attorney brought this fact to the attention of CZAB-14⁴⁷. Moreover, Appellant's attorney told the CZAB-14 that the witnesses were relying on erroneous information when they allege that the lots surrounding Appellant's lot are about the same size⁴⁸.

Ms. Shawshare's entire testimony/**opinion** is:

MS. SHAWSHARE: Hi, my name is Lee Shawshare, I live at 11031 Southwest 170 Terrace. And I live in there for almost 15 years, and the neighborhood is very nice and big houses, and big lots, and they look very pretty. And that lot, if you put on two house on that lot, it is going to be looking different and look ugly. So I oppose to put two houses on there. Thank you⁴⁹.

Again, the witness testified as to factually incorrect information. The Miami-Dade Planning & Zoning Department declares that “the development of [Appellant's lot] with one single-family residence would be out of scale with

⁴⁶ A9: 8

⁴⁷ A8: 7: L. 2-5, citing A9: 8

⁴⁸ A8: 17-18

⁴⁹ A8: 10-11

the neighboring properties as [Appellant's lot] would be greatly larger than the adjacent EU-M zoned properties⁵⁰." The record reflects that Appellant's attorney brought this fact to the attention of CZAB-14⁵¹.

Ms. Culver's entire **testimony**/opinion is:

MS. CULVER: My name is Dorothy Culver,
and my address is 11011 Southwest 107 Terrace.

I concur with everything that has been said.
On the southeast corner of that lot abuts the 112
Avenue. And on the west from 112 Avenue, in the
subdivision, 170 Terrace -- separation to two
roads, one on the north and one on the south. It
will cause a traffic problem. I have no idea how
those two houses will be arranged such that it will
not be a problem.

Coming from the east on 170 Terrace,
making either a right or left turn, will not be any
particular problem. But coming from the west
where there are two roads that go into 112 Avenue,
will present some difficulties.

⁵⁰ A9: 8

⁵¹ A8: 7: L. 2-5, citing A9: 8

I have noticed in that neighborhood there has been several zoning violations in that neighborhood. And there seems as if every lot there is vacant there have been attempts to put houses on there. And in that neighborhood we also find out there is one huge monstrosity of a house on a postage stamp lot.

Our lot at that area is under seize by the developers and et cetera.

Now, in the light that houses are not moving very slowly -- they are moving very slowly and the taxes are going up, insurance is terrible, **I fear Section 8**. And that is what I assume is going to happen with that corner lot, two houses. And, therefore, I oppose -- tremendously oppose that lot being separated into two houses. Let it remain one house lot, please⁵².

In sum, Ms. Culver stated there were three reasons she opposed Appellant's petition: (1) traffic, (2) zoning violations, and (3) Section 8 housing. With

⁵² A8: 11-12 (emphasis added).

regard to traffic, it is important to note that Ms. Culver is opining that a **single additional house** will overwhelm the infrastructure of the road systems. Namely, Ms. Culver does not object to having Appellant build one house, but add an additional, she alleges, will make the traffic chaotic. The record reflects that Appellant's attorney told CZAB-14 that (1) the Public Works Department does not object to the increase in traffic from having two houses⁵³ and (2) that Team Metro does not object⁵⁴ (Team Metro is in charge of zoning violations).

Mr. Dorsett gave a fairly long **opinion**. His statement is in part:

Commissioner Moss lives in the neighborhood, as you may know. We feel, or at least I feel that as it has been said previously, that [building two houses] would be [a] tremendous increase in the traffic flow, even though as the gentleman said there would be only two homes.

I would strongly disagree with him when he says that that would be out of character. Sure, it would be out of character because in similar lots there are single family homes. The home that was

⁵³ A8: 7: L. 14-15 citing A9: 12.

⁵⁴ A8: 7: L. 14-15 citing A9: 27.

there was owned by the Baumgarderns and they had a very delightful pool and so on, and so on, and so on.

So, the other thing that is extremely important, I think, is the raised elevation of that particular lot.

Again, the witness testified as to factually incorrect information. The Miami-Dade Planning & Zoning Department declares that “the development of [Appellant’s lot] with one single-family residence would be out of scale with the neighboring properties as [Appellant’s lot] would be greatly larger than the adjacent EU-M zoned properties⁵⁵.” The record reflects that Appellant’s attorney brought this fact to the attention of CZAB-14⁵⁶.

Ms. Blake’s entire testimony/**opinion** is:

MS. BLAKE: Susan Blake, 11363

Southwest 165 Terrace. I moved here in 1980, and that property did have a house on it, way back, it was overgrown in the front, it was zoned agricultural. And later it did, I believe after Andrew, have a trailer. And then the property to

⁵⁵ A9: 8

⁵⁶ A8: 7: L. 2-5, citing A9: 8

the south the owner brought that property and he put dogs or whatever he had on that field. And you know, didn't really maintain it. But there was a house on it.

But I too echo what everybody has said, and I know that, you know, there's a retirement community across to the west. And if two houses were built when you only have one and a half lots, I just think you should error on the side of one lot per house. You know, you don't quite have the two lots. And it would be a problem if they exited to 112 versus exiting to 170.

When Greenwood Estates was built to the north, they required, per the resident request, the houses that back up to the estate homes on the 170th Terrace, to also have 120 feet, which is the EU-M type frontage. And he wants to do less than that. He wants to go from 120 feet to 97 feet. And then you get into RU-1 single family type zoning.

So I believe that it is too much for that corner, because it is a corner lot, it is not a dead end street where you have nothing behind it or around it. It is right on heavily traveled 112 Avenue. Thank you.

Again, the witness testified as to factually incorrect information. The Miami-Dade Planning & Zoning Department declares that “the development of [Appellant’s lot] with one single-family residence would be out of scale with the neighboring properties as [Appellant’s lot] would be greatly larger than the adjacent EU-M zoned properties⁵⁷.” The record reflects that Appellant’s attorney brought this fact to the attention of CZAB-14⁵⁸.

CZAB-14 Board Member Bell then testified. Her entire testimony/**opinion** is:

BOARD MEMBER BELL: Mr. Chairman, this area is where I live in that area, a couple of miles away. And I ride by this property every day, all my life I rode by it. But to cut this up into two lots when everything -- the house across the street are on big lots, like this lot. From that house down

⁵⁷ A9: 8

⁵⁸ A8: 7: L. 2-5, citing A9: 8

to the Food Spot store, are all big huge houses.

Two houses will be out of character. I've looked at it since this guy was here the last time, every time I ride past that spot I look at it. But it's completely out of character to put two houses on this property⁵⁹.

Again, the Board Member/witness testified as to factually incorrect information. The Miami-Dade Planning & Zoning Department declares that "the development of [Appellant's lot] with one single-family residence would be out of scale with the neighboring properties as [Appellant's lot] would be greatly larger than the adjacent EU-M zoned properties⁶⁰." The record reflects that Appellant's attorney brought this fact to the attention of CZAB-14⁶¹.

Evidence Presented at the BCC

At the BCC, Appellant's attorney provided substantiated evidence supported by studies conducted by various county agencies⁶². This evidence includes:

⁵⁹ A8: 24: L. 13-24

⁶⁰ A9: 8.

⁶¹ A8: 7: L. 2-5, citing A9: 8.

⁶² A3: 3-13, 21-23.

MR. BRIZUELA: The [Miami-Dade Planning & Zoning Department] recommends approval of the zone change and of the variance with conditions, because the requested zoning is consistent with the Land Use Plan, and the Comprehensive Master Plan, and because the non-use variance request is compatible with the surrounding area⁶³.

...

I'd like to note, again, that the [Miami-Dade Planning & Zoning Department] recommends approval of this. First, [Miami-Dade Planning & Zoning Department] finds that the proposal of two residential lots is within the numerical threshold allowed under the Land Use Map density designation and is consistent with the Land Use Map low density residential designation of the Comprehensive Development Master Plan⁶⁴.

⁶³ A3: 4 : L. 2-8, citing A4: 8.

⁶⁴ A3: 7: L. 12-20, citing A4: 6.

The [Miami-Dade Planning & Zoning Department] also notes that the proposed zone change to EU-M, along with the non-use variance of lot frontage requirements, is compatible with the existing EU-M single-family residences immediately adjacent to the subject property to the north, south and east⁶⁵.

The [Miami-Dade Planning & Zoning Department] finds that the proposed lots will be compatible with the scale of the neighboring lots to the east, north and south⁶⁶.

I'd like the Commission to note that this here is the property we're talking about in red. Immediately across the street, we have a higher density allotment of houses. I believe they're condominiums, but they are -- from that easel over there, the third easel, you can see that they're zoned RU-3. So it's higher density immediately

⁶⁵ A3: 7-8, citing A4: 6.

⁶⁶ A3: 8, L. 3-6, citing A4: 6-7.

across the street. Every other direction is zoned EU-M⁶⁷.

And if you look at the square footages, the lot that we're talking about is 30,000 square feet. Immediately across the street, the square footages are about half the size of the lots. The one here is 16,795. This one is 15,480. And everything to this side is smaller than those. Here we have all 15,000 square feet, and around that size.

Immediately next to the properties, we have properties that are at least 10,000 feet -- square feet smaller than the subject property⁶⁸.

...

The [Miami-Dade Planning & Zoning Department] notes that -- various other things. It notes that the DERM memorandum states that the proposed development will not have an

⁶⁷ A3: 8: L. 7-17, citing A10: 2

⁶⁸ A3: 8-9, citing A10: 1. See also, A4: 6 (The Miami-Dade Planning & Zoning Department notes that "the properties to the north, south and east are zoned EU-M, and developed with single-family residences on parcels of land with lot areas ranging in size from 15,246 sq. ft. (0.35 acre) to 21, 760 (0.5) acre.)

unfavorable impact on the public services or the environment. There will be no irreversible commitment⁶⁹.

...

The [Miami-Dade Planning & Zoning Department] opines that the proposed zoning would not, would not have an unfavorable impact on the community and would provide an opportunity to address housing needs within the Miami-Dade County. Indeed, there would be more affordable housing within the community, because there [would] be two houses rather than one⁷⁰.

...

The [Miami-Dade Planning & Zoning Department] opines that the proposed development does not unduly burden or affect public transportation facilities, as indicated in the Public

⁶⁹ A3: 10: L. 13-19, citing A4:10-11 and A9: 10-11.

⁷⁰ A3: 10-11, citing A4: 7.

Works Department's memorandum submitted with this application⁷¹.

I'd like to conclude with a summary. To permit two lots with frontages of 97.51 feet, which is what we're requesting, under the non-use variance standard of Section 33-311(A)(4)(b), the [Miami-Dade Planning & Zoning Department] opines that the request maintains the basic intent and purpose of the zoning, subdivision and other land use regulations. The [Miami-Dade Planning & Zoning Department] notes that the site is otherwise oversized and contained with a lot depth of 160 feet and lot frontages of 195.02 feet⁷².

The neighboring EU-M properties that abut the subject to the north, south and east contain lots with frontages that range from 120 to 138⁷³.

The [Miami-Dade Planning & Zoning Department] opines that the development of the

⁷¹ A3: 11: L. 18-23.

⁷² A3: 11-12. citing 7-8.

⁷³ A3: 11-12. citing 7-8.

.72-acre site with only one single-family residence will be out of scale with the neighboring properties, as [the] .72-acre subject property will be [a] greatly larger building site in area than adjacent EU-M zoned properties, and, of course, the RU-3 properties immediately across the street, which are of a higher density⁷⁴.

The [Miami-Dade Planning & Zoning Department] opines, that although the requested frontage are 81.25% of the required amount, the visual impact will be mitigated by the proposed standard size lots that meet the lots are and lot depth requirements of the EU-M zoning district⁷⁵.

Five community members gave their opinions, based on the same **incorrect** information they provided at the CZAB-14 hearing; to wit, they argued that Appellant's proposed two lots would be out of character even though Miami-Dade County Planning & Zoning Department declares otherwise⁷⁶. Additionally, some complained of the increased traffic from a

⁷⁴ A3: 12: L. 15-24. citing 7-8.

⁷⁵ A3: 12-13. citing 8.

⁷⁶ A3: 13-21.

single additional house, even though Miami-Dade County Public Works Department does not object⁷⁷.

Commissioner Moss then testified/**opined**. His statement is as follows:

COMMISSIONER MOSS: Thank you, Mr. Chairman.

And this is a question to the attorneys, since it has been stated that I live in that neighborhood. The property is on Southwest 112 Avenue. I live on Southwest 109 Terrace -- Court, excuse me. So it's about three blocks to the east. Does that create a conflict for me? Does that create a problem for me?

MS. ARMSTRONG-COFFEY:

Commissioner, because it's a single family lot situation, because you live at least three, maybe more blocks away, it would appear to me that it's not a -- not a direct conflict, unless you feel that

⁷⁷ A3: 18; cf. A9: 12.

for any reason particularly you would have a problem being impartial.

COMMISSIONER MOSS: Well, to my colleagues, I certainly don't feel that I have a problem, you know, being impartial, and I think that my track record in basically proposing solutions or decisions to this Commission in the past on issues speaks for itself.

And this reminds me a little bit of the case that we had across Southwest 112 Avenue, where we had the property next to the Turnpike, where the neighbors didn't want to have any development there, but at the end, development was allowed, but it was allowed at the same zoning designation as their properties.

To me, this is a similar case, in the sense that the zoning appeals board approved rezoning this property, which before, by the way, was agriculture, and allowed it to be rezoned to EU-M.

Now, the neighbors are here as they were at the Community Council meeting. And, again, I read the transcripts, and some of the folks who came and testified this morning are here. Then there are other who are not here, but their testimony is in the transcript. And it's to me a similar kind of situation, in that the neighbors want to have the property at least be compatible and similar to what they have now.

As we stated, in that area, no lots have a smaller frontage than 120 feet. And, again, by approving the variance, what you do is, you are now creating lots with frontage with less than 120 feet. **And so, again, I believe that they made a case here. They made a case at the CZAB hearing as well.**

And, by the way, Community Council 14 voted 4 to 0 to oppose this, to not approve this. To approve the EU-M zoning, so that the property could be developed, so that the property owner has

the right and ability to do some development, but they denied the variance, **which would allow lots that have a similar frontage.**

And so with that being said, my colleagues, it would be my motion that we affirm the Community Council 14's decision, that the property be allowed to be rezoned to EU-M, but deny section 2 or Request Number 2, which would allow a variance to put -- to divide the property into two lots, which would create a frontage of less than 120, which, again, is a standard lot frontage **in that particular zoning -- in that particular development.** And so with that, that would be my motion.

**ARGUMENT IN SUPPORT OF THE PETITION AND
APPROPRIATE CITATIONS OF AUTHORITY**

**THE FINDINGS AND JUDGMENTS OF THE CZAB-14 AND THE
BCC ARE NOT SUPPORTED BY COMPETENT SUBSTANTIAL
EVIDENCE.**

Only an unreasonable mind would accept as adequate the findings and/or judgment of the CZAB-14 and BCC because each relied solely on unsubstantiated **and incorrect** opinion rather than competent substantial

evidence. A landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance⁷⁸. Appellant has met this burden⁷⁹. Consequently, the burden has shifted to the governmental board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose⁸⁰. Indeed, in order for the CZAB-14 or the BCC to deny a permitted special exception application, they must show **by competent substantial evidence** that the proposed exception does not meet the published criteria⁸¹.

The only evidence submitted against Appellant's petition was the unsubstantiated **and incorrect** opinion of various members of the community, CZAB-14 Board Member Bell, and Commissioner Moss. Citizen testimony in a zoning matter is perfectly permissible and constitutes substantial competent evidence, **so long as it is fact-based**⁸². Therefore,

⁷⁸ Snyder, 627 So. 2d at 476.

⁷⁹ A4: 1-9 and A9: 1-9.

⁸⁰ Id.

⁸¹ Dusseau 794 So. 2d at 1273 (emphasis added).

⁸² Metropolitan Dade County v. Blumenthal, 675 So. 2d 598, 607 (Fla. 3d DCA 1996)(“The only evidence adduced against the re-zoning application was a number of homeowners in the area who wanted the project scaled back to 13 units per acre; the circuit court decided that the homeowner's testimony was ‘conclusory and without adequate support,’ that there was no

generalized statements of opposition will be disregarded, but fact based testimony will not⁸³. Here, as discussed above, **none** of the citizen testimony **was fact based**; the Miami-Dade County Planning & Zoning recommendations to both the CZAB-14 and the BCC contradict the opinions of the witnesses.

Commissioner Moss' and CZAB-14 Board Member Bell's **unsubstantiated** testimony cannot be considered competent substantial evidence⁸⁴.

'emerging trend in the area' for 13 units per acre as urged, and that consequently 'the decision below [was] arbitrary and not based on substantial competent evidence' a determination which, as previously stated, we have no authority to review."); City of Apopka v. Orange County, 299 So. 2d 657, 659 (Fla. 4th DCA 1974)(" The board should base their determination upon facts which they find to have been established, instead of upon the wishes of persons who appear for or against the granting of the application"); See Allapattah Community v. City of Miami, 379 So. 2d 387, 393 (Fla. 3d DCA 1980)(" His opinion, however, was a mere non-expert conclusion which is therefore devoid of any evidentiary value whatever.").

⁸³ Id.

⁸⁴ Bob Harrell Properties, Inc. v. Orange County, 7 Fla. Supp. 491a, 492 (Fla. 9th Cir. Ct. 2000); see e.g. Ridgewood v. Dept. of Community Affairs, 562 So. 2d 322, 324 (Fla. 1990)(" We do not say that an agency head cannot testify in an administrative hearing or even that one could not testify to a technical matter and still sign the final order. We do hold, however, that when an agency head does testify to a material fact in an administrative hearing, review of the hearing officer's proposed order should be undertaken by a neutral, disinterested third party").

The opinions of the witnesses, CZAB-14 Commissioner Member Bell and Commissioner Moss are contradicted repeatedly by the actual facts of the situation.

First, these individuals claim that Appellant's lot size cannot be split because the two lots would be too small in comparison to the surrounding lots. As enumerated above, the impartial Miami-Dade County Department of Zoning & Planning declares repeatedly throughout its recommendations to both the CZAB-14 and the BCC that (1) if the lots were split, they would be within the range of already existing lot sizes in the immediate vicinity⁸⁵, and (2) it makes more sense to split the lots because if they are not split, the lot will be unusually large⁸⁶.

Second, some individuals **opine** that allowing two houses with the less than necessary frontage will detract from the existing lots. However, the impartial Miami-Dade County Department of Zoning & Planning declares that (1) the variance should be granted⁸⁷ and (2) the large depth of the lots mitigates the frontage shortage⁸⁸. This attorney is not asking the Court to reweigh the evidence, but merely to note that those testifying are

⁸⁵ A9: 6 and A4: 6.

⁸⁶ A9: 8 and A4: 8.

⁸⁷ A9: 8 and A4: 8.

⁸⁸ A9: 8 and A4: 8.

relying on unsubstantiated **opinion** rather than competent substantial evidence.

Third, various individuals **opine** that **one house** will **not adversely affect the traffic but** the addition of **one more house** will make the roads **chaotic**⁸⁹. The record reflects that the Miami-Dade Public Works Department does not object the building of two houses⁹⁰.

The arguments of those opposed to the variance can best be summarized as follows: Appellant's property was surrounded by agricultural land until our houses were built in 1970; we want Appellant's property to stay the same because it suits us to have a disproportionately large property next to ours **even though** that property was a single house back when it was **surrounded by agriculture/farmland** and not, as it now, surrounded by houses that are about half its size.

Commissioner Moss

Commissioner Moss' testimony/**opinion** is patently incorrect and/or irrelevant. He begins by declaring he can be impartial in this decision even though he lives a few blocks from the property. He then refers to an obscure case which was before the BCC sometime before, and states that that case is similar to the instant case. He says that case is similar to the instant case

⁸⁹ See, infra.

⁹⁰ A9: 12.

because the “zoning appeals board approved rezoning this property⁹¹” like the CZAB-14 did in the instant case. This is not competent substantial evidence; to wit, it is irrelevant what a CZAB did in a prior case which has no evidentiary bearing whatsoever on the instant case.

Commissioner Moss then makes a circular argument, and apparently considered it competent substantial evidence. He says “in that area, no lots have a smaller frontage than 120 feet. And, again, by approving the variance, what you do is, you are now creating lots with frontage with less than 120 feet. And so, again, I believe that they made a case here. They made a case at the CZAB hearing as well.” This attorney cannot point to a single piece of substantiated evidence upon which “they” “made their case.” As discussed above, all the information relied upon by those who testified at the CZAB-14 hearing and the BCC hearing was patently incorrect.

The impartial Recommendation of the Miami-Dade Planning and Zoning Department declares otherwise declares that Appellant’s “site is otherwise oversized and contains 30,492 sq. ft. in area with a lot depth of 160.02’ and a lot frontage of 195.02’⁹².” Thus, if the variance is denied, Appellant’s lot, in the opinion of the Miami-Dade County Zoning & Planning Department is oversized and with an abnormally large frontage.

⁹¹ A3: 24: L. 16-23.

⁹² A4: 8

The Miami-Dade Planning and Zoning Department notes that “although the properties located on the block to the north of the subject property...were platted with the minimum lot frontage of 120’, in staff’s opinion, approval of [Appellant’s] two lots with the substandard-sized frontage of 97.51’ each would not determinately impact the surrounding residential area⁹³.” Indeed, the Miami-Dade Planning & Zoning Department “opines that although the requested frontages are 81.25% of the required amount, the visual impact will be mitigated by the proposed standard-sized lots that meet the lot area and lot depth requirements of the EU-M zoning district⁹⁴.”

CONCLUSION

If one can call the “evidence” upon which the CZAB-14 and the BCC relied (i.e., the unsubstantiated and incorrect opinions of lay witnesses) **“evidence” at all**, which a reasonable mind cannot, that “evidence” surely is **not “competent”** and surely is **not “substantial.”**

⁹³ A4: 8

⁹⁴ A4: 8

Dated this 9 day of November, 2007.

Respectfully Submitted,

MIGUEL A. BRIZUELA, P.L.

Attorneys for Petitioner

10251 S.W. 72 St., Suite 105

Miami, FL 33173

Phone (305) 271-1716

Fax (305) 398-6721

By: 

Miguel A. Brizuela

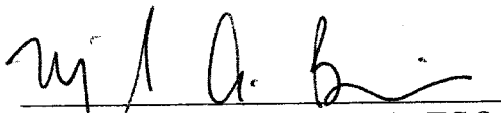
Florida Bar. No. 0021465

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed on this 9 day of November, 2007 to Robert A. Cuevas, County Attorney, 111 Northwest First Street, Miami, Florida 33128-1993 and to Earl Jones, Miami-Dade County Department of Planning and Zoning, 111 Northwest First Street, Suite 1210, Miami, Florida 33128-1902.

**CERTIFICATE OF COMPLIANCE WITH
RULE 9.210(A)(2), FLORIDA RULES OF APPELLATE
PROCEDURE**

I HEREBY CERTIFY that this brief complies with the font requirements of Florida Rules of Appellate Procedure, Rule 9.210(a)(2).


MIGUEL A. BRIZUELA, ESQ.

IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

MIGUEL A. BRIZUELA,
individually,

APPELLATE DIVISION

Appellant,

Case No.:

vs.

Lower Tribunal No.: Z05-285 (07-4-CZ14-1)

MIAMI-DADE COUNTY,
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING
AND ZONING,
MIAMI-DADE COUNTY
COMMUNITY ZONING
APPEALS BOARD 14

Appellees.

_____/

APPELLANT'S APPENDIX

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Attachments		
Department of Environmental Resources Management (DERM) Report and Approval, dated October 11, 2005		Pages: 10-11
Public Works Department (PWD) Comments of No		Pages: 12

Objections, dated May 22, 2007		
Letter from Miami-Dade County Public Schools noting that the payment of the required educational impact fees for the proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development.		Pages: 13-25
Miami-Dade Fire Rescue Department Memo of No Objections, dated September 22, 2005.		Pages: 26
Team Metro Enforcement History Report of “no active enforcement cases for this property”		Pages: 27
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VOLUME 1



Planning and Zoning
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

October 12, 2007

Carlos Alvarez, Mayor

Miguel A. Brizuela
c/o Miguel A. Brizuela
10251 SW 72nd Street, Suite 104
Miami, Florida 33173

Re: Hearing No. 07-4-CZ14-1
Location: The southeast corner of S.W. 112 Avenue &
S.W. 170 Terrace, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-38-07, adopted by the Board of County Commissioners, which denied your appeal, sustained the decision of Community Zoning Appeals Board and 14, approved your requested district boundary change to EU-M (Item #1) and denied Item #2 with prejudice on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **October 12, 2007**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Cuevas, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

Delivering Excellence Every Day

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Government Information Center
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

VOLUME 2

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-38-07

WHEREAS, **MIGUEL A. BRIZUELA** applied to Community Zoning Appeals Board 14 for the following:

- (1) AU to EU-M
- (2) To permit 2 lots each with a lot frontage of 97.51' (120' required).

Upon demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Waiver of Plat," as prepared by Jose Diaz, consisting of 1 sheet, dated stamped received 5/8/07.

SUBJECT PROPERTY: The west 230' of the south 160' of the north ½ of the SW ¼ of the NW ¼ of the NE ¼ all in Section 31, Township 55 South, Range 40 East, less the west 35' for right-of-way.

LOCATION: The southeast corner of S.W. 112 Avenue & S.W. 170 Terrace, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that that the requested district boundary change to EU-M (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and that the request to permit 2 lots each with a lot frontage of 97.51' (Item #2) would not be compatible with the area and its development and would not conform with the requirements and intent of

the Zoning Procedure Ordinance and should be denied and said application was denied in part by Resolution No. CZAB14-20-07, and

WHEREAS, **MIGUEL A. BRIZUELA** appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

(1) AU to EU-M

(2) Applicant is requesting to permit 2 lots each with a lot frontage of 97.51' (120' required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Waiver of Plat," as prepared by Jose Diaz, consisting of 1 sheet, dated stamped received 5/8/07. Plans may be modified at public hearing.

SUBJECT PROPERTY: The west 230' of the south 160' of the north ½ of the SW ¼ of the NW ¼ of the NE ¼ all in Section 31, Township 55 South, Range 40 East, less the west 35' for right-of-way.

LOCATION: The southeast corner of S.W. 112 Avenue & S.W. 170 Terrace, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in

WHEREAS, a motion to deny the appeal, sustain the decision of Community Zoning Appeals Board 14, approve Item #1, and deny Item #2 without prejudice was offered by Commissioner Dennis C. Moss, seconded by Commissioner Carlos A. Gimmenez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro aye

BE IT FURTHER RESOLVED that the requested district boundary change to EU-M (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

Z-38-07

BE IT FURTHER RESOLVED that Resolution No. CZAB14-20-07 remains in full force and effect.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 4th day of October, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 07-4-CZ14-1

ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: **KAY SULLIVAN**
Deputy Clerk

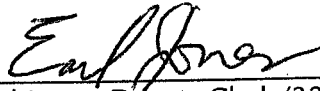
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 12TH DAY OF OCTOBER, 2007.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-38-07 adopted by said Board of County Commissioners at its meeting held on the 4th day of October, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 12th day of October, 2007.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL



VOLUME 3

STEPHEN CLARK BUILDING GOVERNMENT CENTER
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
111 NW FIRST STREET, COMMISSION CHAMBERS
Thursday, October 4, 2007

COPY

ITEM

MIGUEL A. BRIZUELA
(05-285)

Board of County Commissioners
(Present)

Bruno A. Barreiro, Chairman
Barbara Jordan, Vice Chairwoman
Joe Martinez
Carlos A. Gimenez
Jose "Pepe" Diaz
Katy Sorenson
Rebeca Sosa
Natacha Seijas
Dennis C. Moss
Dorrin D. Rolle

County Attorney's Office

Joni Armstrong-Coffey
& Craig Collier
Assistant County Attorneys

Staff

Subrata Basu, Interim Director
Maria Teresa Fojo, Assistant Director

On behalf of the Applicant

Miguel Brizuela, Esq.

I N D E X

COMMISSIONERS

CHAIRMAN BARREIRO: 3, 6, 13, 17, 19-21, 23, 26.

COMMISSIONER MARTINEZ: 3.

COMMISSIONER DIAZ: 3, 5.

COMMISSIONER SOSA: 5.

COMMISSIONER ROLLE: 6.

COMMISSIONER MOSS: 23-26.

S T A F F

MR. BASU: 3.

ON BEHALF OF THE APPELLANT

MR. BRIZUELA: 3-13, 21-23.

SUPPORTERS

- - -

OBJECTORS

SUSAN BLAKE: 13-15.

JOSEPH RICHARDS: 15-17.

MICHAEL HOLLAND: 17.

DOROTHY CULMER: 17-20.

LI SHELLSHEAR: 20-21.

1 CHAIRMAN BARREIRO: Second item.

2 INTERIM DIRECTOR BASU: Second appeal
3 is Michael Brizuela. The application
4 number is -- Appeal No. is 05-285. There
5 are no protests, no waivers.

6 CHAIRMAN BARREIRO: All right, the
7 appellant.

8 COMMISSIONER MARTINEZ: Second.

9 MR. BRIZUELA: Good afternoon,
10 distinguished members of the County
11 Commission, my name is Miguel Brizuela.
12 I'm an attorney. I'm representing my
13 father, Miguel Brizuela. My business
14 address is 10251 Southwest 72 Street,
15 Suite 105, Miami, Florida 33173.

16 CHAIRMAN BARREIRO: All right.

17 MR. BRIZUELA: My father bought a
18 piece of property a few years ago, and he
19 wants to build two houses on this
20 property. He's appealing the decision of
21 the Community Zoning Appeals Board Number
22 14, which denied, without prejudice, the
23 request to permit two lots with less
24 frontage than required. The Board
25 approved the request to rezone the

1 property from AU to EU-M.

2 The County recommends approval of the
3 zone change and of the variance with
4 conditions, because the requested zoning
5 is consistent with the Land Use Plan, and
6 the Comprehensive Master Plan, and because
7 the non-use variance request is compatible
8 with the surrounding area.

9 The sole issue we have before us
10 today is whether to grant a variance to
11 build two houses where 125 feet of
12 frontage is required, but only 95 1/2 feet
13 is available. The requested frontages are
14 81.25 percent of the required amount.

15 The properties comply with the square
16 footage requirements and the depth
17 requirements of the EU-M zoning.

18 I'd like to tell you a little bit
19 about the property. As you probably are
20 well aware, the EU-M zoning district
21 requires lots to have a minimum area of
22 15,000 square feet, 120 feet of frontage
23 and a depth of 115 feet.

24 We would build two lots on this
25 property that would look like this

1 (indicating). The proposed eastern lot
2 will have an area of 15,601 square feet
3 and a depth of 160.02 feet and the
4 proposed western lot --

5 COMMISSIONER DIAZ: Mr. Chair --
6 excuse me, sir, Mr. Chairman, there is an
7 easel, so you don't have to hold it over
8 your head.

9 MR. BRIZUELA: Excuse me, I'm sorry.

10 COMMISSIONER DIAZ: There's an easel
11 there. Can someone from staff help him
12 with an easel, please.

13 COMMISSIONER SOSA: Where is it?

14 COMMISSIONER DIAZ: So he doesn't
15 have to hold it over his head.

16 MR. BRIZUELA: Yeah, the person
17 before me didn't have one.

18 COMMISSIONER DIAZ: What happened to
19 our easels?

20 MR. BRIZUELA: Thank you, Mr.
21 Commissioner.

22 COMMISSIONER DIAZ: Thank you. The
23 easel just became available. Another
24 scandal in Dade County, easel.

25 COMMISSIONER MARTINEZ: The weasel.

1 COMMISSIONER DIAZ: The weasel of the
2 easel.

3 COMMISSIONER ROLLE: They showed up
4 after Joe called for an investigation.

5 CHAIRMAN BARREIRO: There's a
6 microphone, a mike, a mike with.

7 MR. BRIZUELA: Over here.

8 CHAIRMAN BARREIRO: Yeah, over there.

9 COMMISSIONER ROLLE: Got a lot of
10 props, man, got a lot of props.

11 COMMISSIONER DIAZ: The
12 multiplication of the easels.

13 MR. BRIZUELA: Thank you for your
14 patience.

15 So we're going to have two
16 properties, and they have enough square
17 footage and they have enough depth. They
18 just don't have enough frontage. As I
19 said, they're over 80% of the frontage.

20 This is what the two properties would
21 look like (indicating).

22 As you're probably well aware, the
23 County Commission may grant a non-use
24 variance upon a showing by the applicant
25 that the non-use variance maintains the

1 basic intent and purpose of the zoning
2 subdivision and other land use
3 regulations, which is to protect the
4 general welfare of the public,
5 particularly as it affects the stability
6 and appearance of the community, and
7 provided that the non-use variance will be
8 otherwise compatible with the surrounding
9 land use area, it will not be detrimental
10 to the community. This is Section
11 33-311(A)(4)(b).

12 I'd like to note, again, that the
13 County recommends approval of this.
14 First, the County finds that the proposal
15 of two residential lots is within the
16 numerical threshold allowed under the Land
17 Use Plan Map density designation and is
18 consistent with the Land Use Plan Map low
19 density residential designation of the
20 Comprehensive Development Master Plan.

21 The County also notes that the
22 proposed zone change to EU-M, along with
23 the non-use variance of lot frontage
24 requirements, is compatible with the
25 existing EU-M single-family residences

1 immediately adjacent to the subject
2 property to the north, south and east.

3 The County finds that the proposed
4 lots will be compatible with the scale of
5 the neighboring lots to the east, north
6 and south.

7 I'd like for the Commission to note
8 that this here is the property we're
9 talking about in red. Immediately across
10 the street, we have a higher density
11 allotment of houses. I believe they're
12 condominiums, but they are -- from that
13 easel over there, the third easel, you can
14 see that they're zoned RU-3. So it's
15 higher density immediately across the
16 street. Every other direction is zoned
17 EU-M.

18 And if you look at the square
19 footages, the lot that we're talking about
20 is 30,000 square feet. Immediately across
21 the street, the square footages are about
22 half the size of the lots. The one here
23 is 16,795. This one is 15,480. And
24 everything to this side is smaller than
25 those. Here we have all 15,000 square

1 feet, and around that size. Immediately
2 next to the properties, we have properties
3 that are at least 10,000 feet -- square
4 feet smaller than the subject property.

5 So what we have is a property that is
6 disproportionately larger than the
7 surrounding community. The reason it's
8 like this, so the members of the County
9 Commission have an idea how this strange
10 situation arose, in 1965, the Board of
11 County Commissioners approved an
12 application that sought to resume -- to
13 rezone 82 acres from AU to RU-1 and RU-3
14 from residential -- for residential
15 development. And that's what you find
16 over here.

17 And then in 1970, 15 acres that
18 surrounded the property were rezoned from
19 AU to EU-M, and that's this here. From
20 what I'm told, there was a single land
21 owner that didn't want to sell the
22 property. So we have a rogue property
23 that's left over, and we have to decide
24 what to do with it, because it's
25 disproportionately larger than all the

1 other properties around it by at least
2 10,000 square feet.

3 And then immediately across the
4 street, we have properties that are half
5 the size. In fact, most of the
6 properties, the vast majority of the
7 property surrounding the property, are
8 half the size of the subject property. In
9 fact, the ones across the street are even
10 higher density. To build only one house
11 on this property really doesn't make any
12 sense.

13 The County notes that -- various
14 other things. It notes that the DERM
15 memorandum states that the proposed
16 development will not have an unfavorable
17 impact on the public services or the
18 environment. There will be no
19 irreversible commitment. And this the
20 County does not note, but it's clear to
21 see that an addition of one house is not
22 going to constitute an irreversible
23 commitment of natural resources.

24 The County opines that the proposed
25 zoning would not, would not have an

1 unfavorable impact on the community and
2 would provide an opportunity to address
3 housing needs within the Miami-Dade
4 County. Indeed, there would be more
5 affordable housing within the community,
6 because there be two houses rather than
7 one.

8 We're also -- it's also important to
9 look to see whether the development
10 permitted by the application of granting
11 will efficiently use or unduly burden
12 certain public services like water, sewer,
13 solid waste, et cetera. And what we're
14 talking about here is just one house.
15 Clearly one house is not going to unduly
16 burden our County, and it will be an
17 efficient use of resources.

18 The County opines that the proposed
19 development does not unduly burden or
20 affect public transportation facilities,
21 as indicated in the Public Works
22 Department's memorandum submitted with
23 this application.

24 I'd like to conclude with a summary.
25 To permit two lots with frontages of

1 97.51 feet, which is what we're
2 requesting, under the non-use variance
3 standard of Section 33-311(A)(4)(b), the
4 County opines that the request maintains
5 the basic intent and purpose of the
6 zoning, subdivision and other land use
7 regulations. The County notes that the
8 site is otherwise oversized and contained
9 with a lot depth of 160 feet and lot
10 frontages of 195.02 feet.

11 The neighboring EU-M properties that
12 abut the subject to the north, south and
13 east contain lots with frontages that
14 range from 120 to 138 feet.

15 The County opines that the
16 development of the .72-acre site with only
17 one single-family residence will be out of
18 scale with the neighboring properties, as
19 .72-acre subject property will be greatly
20 larger building site in area than the
21 adjacent EU-M zoned properties, and, of
22 course, the RU-3 properties immediately
23 across the street, which are of a higher
24 density.

25 The County also opines, that although

1 the requested frontages are 81.25 percent
2 of the required amount, the visual impact
3 will be mitigated by the proposed standard
4 size lots that meet the lot area and lot
5 depth requirements of the EU-M zoning
6 district.

7 Thank you very much for your time.

8 CHAIRMAN BARREIRO: All right, thank
9 you.

10 Do we have anybody in opposition?

11 Sir, if you could please bring down
12 your boards.

13 MR. BRIZUELA: Yes. (Complying).

14 MS. BLAKE: My name is Susan Blake.
15 I live at 11363 Southwest 165 Terrace.

16 This is the neighborhood to the south
17 of where I live, and I've been in the
18 neighborhood since 1980. This
19 neighborhood has been there a good
20 40 years with estate zoning only. The
21 condominium that he's talking about on the
22 west side of 112 Avenue is a one-story
23 over 55 retirement area. It's been there
24 for that amount of time, too.

25 This property really should have only

1 one house. These are all estates. And
2 Commissioner Moss lives in this
3 neighborhood. And I'm coming before the
4 Commission to protect his neighborhood,
5 but I'll pass these around.

6 This item went before the Council,
7 and Councilman Bell, Councilman Lawrence,
8 and Councilman Blakeslee and Councilman
9 Wade all 4 to 0 voted against this. And
10 they allowed him to have EU-M, which the
11 neighborhood went with. And at least 15
12 to 20 people from the neighborhood, many
13 retirees, many who have gone through
14 Andrew, rebuilt their homes, and they came
15 here today and they prepared this board,
16 so I will let them speak, but it should
17 only be one house.

18 It's a rogue property, that's true,
19 but there was only -- the question the
20 Council asked them, was there one house
21 there before and the answer was yes. And
22 there was one house and a pool. And
23 there's a picture there of that property
24 showing the slab and the grassy area where
25 the pool was. So really it would ruin the

1 neighborhood. It would be out of
2 character. And it would basically be RU-1
3 zoning. So I'll let the neighbors come up
4 from Green Hills.

5 MR. RICHARDS: My name is Joseph
6 Richards. I live at 10970 Southwest 170
7 Terrace.

8 I moved into this neighborhood about
9 16 years ago, and I was very careful when
10 I moved into the neighborhood. I went
11 around and made sure that there were no
12 empty lots, all the homes are built, so
13 that the neighborhood would not change on
14 me.

15 I -- after Hurricane Andrew, we all
16 got damaged really bad. We were able to
17 build. They were having problems with
18 contractors. The house that is located on
19 the lot they're trying to change into two
20 lots, he was having problems getting
21 contractors. What he did, he sold the
22 lot. The person who bought it didn't
23 repair it and they had to demolish it.

24 If you look at --

25 COMMISSIONER MOSS: Please, if you

1 get the mike. Over here in the front.

2 MR. RICHARDS: This is the lot
3 that -- this is the lot he's proposing to
4 divide into two lots and build two homes.
5 If you look there, you will see the slab
6 for the house that was sitting on that lot
7 before. If you look at this grass here,
8 this is the pool that was there on that
9 lot. This is the house that is next to
10 that lot. This is -- if you stay at the
11 lot, and you look up the street, these are
12 the houses that you see. If you look at
13 them, they're all well kept homes.
14 They're not extremely large lots. These
15 lots are 125 -- 125 frontage. His lot is
16 not out of character with this
17 neighborhood at all. If you look at this,
18 this house is on the same street. This is
19 on the same street. This is on the same
20 street. The same thing with this. This
21 is my home here. This is the house in
22 front of me. These are all single-family
23 homes, well kept on large lots. We do not
24 need him to put two lots on that. If you
25 do that, that will be out of character

1 with the neighborhood. And I'm asking the
2 Commission please don't.

3 I, for one -- if that is turned into
4 two lots, I, for one, will leave. And I
5 think there's a few neighbors who will do
6 the same, because we'll be changing the
7 character. Green Hills Estates is a very
8 small community. There's no lot in Green
9 Hills that is less than 120 frontage.

10 None.

11 CHAIRMAN BARREIRO: Next. Anybody
12 else?

13 MR. HOLLAND: Good morning, my name
14 is Michael Holland. I live at 11010
15 Southwest 170 Terrace, and I oppose the
16 two houses on the lot. And I go with Mr.
17 Richards and the neighborhood to keep it
18 -- you know, keep the single-family home.
19 Okay, thank you.

20 CHAIRMAN BARREIRO: All Right.

21 MS. CULMER: My name is Dorothy
22 Culmer and I live at 11011 Southwest 170
23 Terrace. I am here also to protest
24 against you allowing this developer to
25 place on that particular lot two

1 additional houses. It is not in keeping
2 with the neighborhood. And by the same
3 token, the traffic pattern will be
4 unreasonable.

5 Now every house in that area has at
6 least maybe -- maybe 7/10 of an acre or
7 larger. And I do not see whereby -- by
8 granting him this position to build those
9 two houses will be in keeping with the
10 neighborhood. And as you have seen from
11 the four tools that have been passed
12 around, then that will be out of -- out of
13 condition with the neighborhood.

14 I have noticed in this morning's
15 Herald whereby there's going to be --
16 they're asking for a zoning change, a
17 district change for a lot zoned 184 Street
18 and Homestead Avenue, where they want to
19 change the density there from -- increase
20 the density twice, two-fold, rather. We
21 have had quite a bit of trouble in that
22 particular neighborhood. We have fought
23 to make sure that we do not -- the
24 neighborhood is not -- what you might say,
25 the density is increased. And so we

1 really not protect it like Pinecrest that
2 surrounds us and Cutler Ridge. I prefer
3 Cutler Ridge. And, say, what's the other
4 one? Palmetto Bay. Those areas are
5 protected. They have been protected. We
6 are there, and we are trying to fight for
7 our protection.

8 So, therefore, we know that there are
9 developers, investors, all of them, they
10 cannot pass a lot without seeing dollar
11 bills. And by the same token, I want to
12 make sure that that particular lot remains
13 the same.

14 Incidentally, I also have a written
15 protest against that particular -- for him
16 to build those two houses on that
17 particular lot.

18 CHAIRMAN BARREIRO: You could turn
19 that into the Clerk, Madam.

20 MS. CULMER: I beg your pardon?

21 CHAIRMAN BARREIRO: The written
22 protest --

23 MS. CULMER: Yes.

24 CHAIRMAN BARREIRO: -- you can turn
25 it into the Clerk, for the record.

1 MS. CULMER: Okay, I'll do that. So
2 I want that -- I do not want two lots on
3 that -- two houses on that one lot.

4 CHAIRMAN BARREIRO: All right.

5 MS. CULMER: Thank you very much.

6 CHAIRMAN BARREIRO: Thank you.

7 Next.

8 MS. SHELLSHEAR: Hi, my name is Li
9 Shellshear. I live on 11031 Southwest 170
10 Terrace. I have been living there since
11 1991. And I'm opposed, against to --

12 CHAIRMAN BARREIRO: Excuse me one
13 minute, if you can bring down the boards,
14 so the rest of the Commissioners can see
15 you. Thank you.

16 MS. SHELLSHEAR: I have been living
17 there for 16 years, and I really like the
18 neighborhood. And it's in a big lot
19 house. And I really against they build
20 two house in one lot. It's going to turn
21 into a zero lot house, and doesn't look --
22 doesn't look very good. And that's it.

23 CHAIRMAN BARREIRO: All right. Thank
24 you.

25 MS. SHELLSHEAR: Against to build the

1 two house lot. Thank you.

2 CHAIRMAN BARREIRO: Thank you.

3 Anybody else? Seeing none --

4 MR. BRIZUELA: Thank you.

5 CHAIRMAN BARREIRO: Mr. Attorney.

6 MR. BRIZUELA: Thank you for your
7 time again.

8 My father and I -- my father is the
9 owner of this lot, have been members of
10 this community in Miami-Dade County for
11 27 years. And we don't consider ourselves
12 developers. We consider ourselves members
13 of the community. We've never built a
14 property before. We're not developers.
15 This is the first lot we've ever
16 purchased. It's my father's. And I
17 wholeheartedly disagree with the
18 characterization of those opposed to this
19 request of a variance.

20 If you look at this map, you can see
21 that the property surrounding the property
22 that we own are half the size of our
23 property. The ones immediately across the
24 street are half the size of the property
25 that we have. It would be unusual to have

1 a property of this size that we have here
2 with just one house. It's 30,000 square
3 feet. The ones immediately across the
4 street are around 16,000 square feet and
5 the vast majority are 15,000 square feet.
6 The ones immediately next to it are well
7 below 10,000 square feet, less than the
8 one that we're talking about. The ones
9 across the street are even higher density.
10 To build one house here would simply be
11 odd. It doesn't make any sense.

12 On top of that, Miami-Dade County
13 needs affordable housing. How is it that
14 we're going to provide affordable housing
15 to the community if we're building these
16 enormous houses?

17 One of the members of the community
18 previously said that they had a concern
19 with having government funded housing
20 here. And I'm not sure what the
21 motivation of the individuals who are
22 against this proposition is, but I assure
23 you that the houses that we hope to build
24 here will be beautiful houses that will
25 really bring a greater value to the

1 community. As members of the community,
2 we want this community to do well.

3 Thank you very much.

4 CHAIRMAN BARREIRO: Thank you.

5 With that, that closes the appeal.

6 THE AUDIENCE: Is it possible? Is it
7 possible?

8 COMMISSIONER MOSS: You can't.

9 CHAIRMAN BARREIRO: Right now we
10 can't hear anymore from the public. With
11 that --

12 COMMISSIONER MOSS: Mr. Chairman.

13 CHAIRMAN BARREIRO: -- we're closing.
14 Commissioner of the district, Commissioner
15 Moss.

16 COMMISSIONER MOSS: Thank you, Mr.
17 Chairman.

18 And this is a question to the
19 attorneys, since it has been stated that I
20 live in that neighborhood. The property
21 is on Southwest 112 Avenue. I live on
22 Southwest 109 Terrace -- Court, excuse me.
23 So it's about three blocks to the east.
24 Does that create a conflict for me? Does
25 that create a problem for me?

1 MS. ARMSTRONG-COFFEY: Commissioner,
2 because it's a single-family lot
3 situation, because you live at least
4 three, maybe more blocks away, it would
5 appear to me that it's not a -- not a
6 direct conflict, unless you feel that for
7 any reason personally you would have a
8 problem being impartial.

9 COMMISSIONER MOSS: Well, to my
10 colleagues, I certainly don't feel that I
11 have a problem, you know, being impartial,
12 and I think that my track record in
13 basically proposing solutions or decisions
14 to this Commission in the past on issues
15 speaks for itself.

16 And this reminds me a little bit of
17 the case that we had across Southwest 112
18 Avenue, where we had the property next to
19 the Turnpike, where the neighbors didn't
20 want to have any development there, but at
21 the end, development was allowed, but it
22 was allowed at the same zoning designation
23 as their properties.

24 To me, this is a similar case, in the
25 sense that the zoning appeals board

1 approved rezoning this property, which
2 before, by the way, was agriculture, and
3 allowed it to be rezoned to EU-M.

4 Now, the neighbors are here as they
5 were at the Community Council meeting.
6 And, again, I read the transcripts, and
7 some of the folks who came and testified
8 this morning are here. Then there are
9 others who are not here, but their
10 testimony is in the transcript. And it's
11 to me a similar kind of a situation, in
12 that the neighbors want to have the
13 property at least be compatible and
14 similar to what they have now.

15 As was stated, in that area, no lots
16 have a smaller frontage than 120 feet.
17 And, again, by approving the variance,
18 what you do is, you are now creating lots
19 with frontage with less than 120 feet.
20 And so, again, I believe that they made a
21 case here. They made a case at the CZAB
22 hearing as well.

23 And, by the way, Community Council 14
24 voted 4 to 0 to oppose this, to not
25 approve this. To approve the EU-M zoning,

1 so that the property could be developed,
2 so that the property owner has the right
3 and ability to do some development, but
4 they denied the variance, which would
5 allow lots that have a smaller frontage.

6 And so with that being said, my
7 colleagues, it would be my motion that we
8 affirm the Community Council 14's
9 decision, that the property be allowed to
10 be rezoned to EU-M, but deny section 2 or
11 Request Number 2, which would allow a
12 variance to put -- to divide the property
13 into two lots, which would create a
14 frontage of less than 120, which, again,
15 is a standard lot frontage in that
16 particular zoning -- in that particular
17 development. And so with that, that would
18 be my motion.

19 COMMISSIONER GIMENEZ: Second.

20 COMMISSIONER SORENSON: Second.

21 CHAIRMAN BARREIRO: Motion and a
22 second. All in favor of the motion,
23 signify by saying aye.

24 ALL MEMBERS COLLECTIVELY: Aye.

25 CHAIRMAN BARREIRO: Against? Motion

1 carries.

2 (Thereupon, the proceedings were
3 concluded.)
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1 CERTIFICATE OF PROFESSIONAL REPORTER

2
3 STATE OF FLORIDA:

4 SS:

5 COUNTY OF DADE:

6
7 I, LORENA RAMOS, National Registered
8 Professional Reporter, Florida Professional
9 Reporter and Notary Public, do hereby certify
10 that the hearing on Miguel A. Brizuela, Item
11 No. 05-285, was heard by the Miami-Dade County
12 Board of County Commissioners on the 4th day of
13 October 2007; and that the foregoing pages,
14 numbered from 1 to 32, inclusive, constitute a
15 true and correct transcription of my
16 stenographic notes.

17 WITNESS my hand and official seal in
18 the City of Miami, County of Dade, State of
19 Florida, this 18th day of October 2007.

20
21 
22 LORENA RAMOS, COURT REPORTER
23
24
25

VOLUME 4

2. MIGUEL A. BRIZUELA
(Applicant)

07-4-CZ14-1 (05-285)
BCC/District 9
Hearing Date: 10/4/07

Property Owner (if different from applicant) Same.

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

APPLICANT'S NAME: MIGUEL A. BRIZUELA

REPRESENTATIVE: MIGUEL A. BRIZUELA & SON BRIZUELA JR. (attorney)

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
07-4-CZ14-1 (05-285)	APRIL 18, 2007	CZAB14 07

REQ: AU to RU-1

REC: DWOP

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S): _____

☒ DEFER: ☐ INDEFINITELY ☒ TO: JUNE 19, 2007 ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.
☐ WITH CONDITIONS

☒ TO BE READVERTISED AS EU-M PER APPLICANT'S REQUEST.
MAY REQUIRE VARIANCES AS EU-M PARCELS.

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	M	Wilbur B. BELL	X		
MADAME VICE-CHAIR	S	Dawn Lee BLAKESLEE	X		
MS.		Rose L. EVANS-COLEMAN			X
DR.		Pat WADE	X		
CHAIRMAN		Curtis LAWRENCE (C.A.)	X		
VOTE:			4	0	

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: LEIGH MACDONALD

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

APPLICANT: Miguel A. Brizuela

PH: Z05-285 (07-4-CZ14-1)

SECTION: 31-55-40

DATE: October 4, 2007

COMMISSION DISTRICT: 9

ITEM NO.: 2

A. INTRODUCTION

o REQUESTS:

Miguel A. Brizuela is appealing the decision of the Community Zoning Appeals Board #14 which approved request #1 and denied without prejudice request #2:

(1) AU to EU-M

(2) Applicant is requesting to permit 2 lots with a frontage of 97.51' (120 required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under Section 33-311(A)(14) (Alternative Site Development Option for Single Family or Duplex Dwellings) or under Section 33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Waiver of Plat", as prepared by Jose Diaz, consisting of 1 sheet, dated stamped received 05-08-07. Plans may be modified at public hearing.

- o SUMMARY OF REQUESTS:** The applicant is appealing the decision of Community Zoning Appeals Board #14 (CZAB-14) which denied without prejudice the request to permit 2 lots with less frontage than required. CZAB-14 approved the request to rezone the property from AU, Agricultural District, to EU-M, Single-family Modified Estate District.

- o LOCATION:** The southeast corner of SW 112 Avenue and SW 170 Terrace, Miami-Dade County, Florida.

- o SIZE:** 0.72 Acre

- o IMPACT:** The rezoning of this less than one acre property will have a minimal impact on public services. The approval of request to subdivide the property into 2 lots with less frontage than required could visually impact the surrounding area and disrupt the blockface of the existing block.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise

apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded

2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU; Vacant property

Low Density Residential, 2.5 to 6 dua

Surrounding Properties:

NORTH: EU-M; Single-family residences Low Density Residential, 2.5 to 6 dua

SOUTH: EU-M; Single-family residences Low Density Residential, 2.5 to 6 dua

EAST: EU-M; Single-family residence Low Density Residential, 2.5 to 6 dua

WEST: RU-3; Condominiums Low Density Residential, 2.5 to 6 dua

The subject property is located on the southeast corner of SW 112 Avenue and SW 170 Terrace. The area to the north, south and east is developed with single-family residences, a condominium development is located to the across SW 112 Avenue to the west of the subject property. The 0.72-acre parcel is located over four (4) miles east of and inside the Urban Development Boundary (UDB).

E. SITE AND BUILDINGS:

Site Plan Review:

(Subdivision plan submitted.)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

N/A

Compatibility:

Acceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

N/A

Access:

Acceptable

Urban Design:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection / 2 students

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The applicant, Miguel A. Brizuela is appealing the decision of the Community Zoning Appeals Board #14 (CZAB-14), which, after approving a district boundary change from AU, Agricultural District, to EU-M, Single-family Modified Estate District, (request #1), on the subject property denied without prejudice a request to permit 2 lots with a frontage of 97.51' where 120' is required (request #2), on June 16, 2007, pursuant to Resolution No.CZAB14-20-07. On July 9, 2007, the applicant appealed the CZAB-14's decision to the Board of County Commissioners (BCC) citing that the requested non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, and the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. The applicant is not appealing CZAB-14's approval of request #1.

The applicant is requesting to change the zoning on the property from AU, Agricultural District, to EU-M, Modified Estate Residential District, and a request to permit 2 proposed lots with less lot frontage than required. The applicant has submitted a subdivision site plan demonstrating the

planned configuration of the 0.72-acre site into two (2) EU-M zoned lots, both with lot frontages of 97.51' (request #2). As previously mentioned, CZAB-14 approved the EU-M zoning on the subject property but denied without prejudice the lot frontage request as shown on the accompanying site plan. The plan illustrates that both lots have been configured to front on SW 170 Terrace. The EU-M zoning district requires lots to be developed with a minimum lot area of 15,000 sq. ft. net, with a minimum lot frontage of 120' and a minimum lot depth of 115'. Staff notes that due to the exceptional depth of 160.02' of the subject property, both proposed EU-M lots comply with the required EU-M regulations pertaining to depth and lot area. The proposed eastern lot is to have a lot area of 15,601 sq. ft., while the proposed western lot is to have a lot area of 15,462 sq. ft. The 0.72-acre subject property is a vacant parcel of land located on the southeast corner of SW 112 Avenue and SW 170 Terrace. The properties to the north, south and east are zoned EU-M, and developed with single-family residences on parcels of land with lot areas ranging in size from 15,246 sq. ft. (0.35 acre) to 21,760 (0.5 acre). As such, the applicant's proposed lots of 15,601 sq. ft. and 15,462 sq. ft. would not be out of scale with the neighboring properties. The properties to the west are zoned RU-3, Four Unit Apartment House District, and developed as one-story apartments. The property is located over four (4) miles to the east of and inside the Urban Development Boundary (UDB) line, and approximately one-quarter mile to the east of the Homestead Extension of the Florida Turnpike (HEFT).

The Department of Environmental Resources Management (DERM) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. They have indicated that since the subject property contains a grove, a Miami-Dade County tree removal permit will be required prior to the removal or relocation of any trees. Further, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The Public Works Department (PWD) has **no objections** to this application. They have indicated that road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency criteria and will generate an additional 3 PM daily peak hour **vehicle trips**. Their memorandum further indicates that the distribution of these trips to the adjacent roadways does not exceed the acceptable levels of service (LOS) of the roadways, which are currently operating at LOS "A", "B" and "D". Miami-Dade County Public Schools (MDCPS) has indicated that the proposed zoning will bring 2 additional **students** into the area's public schools. They indicate that Pine Lake Elementary, Richmond Heights Middle and Miami Southridge Senior High School are the schools that will be affected by this development, which are currently operating at 89%, 115% and 138% of FISH (Florida Inventory of School Houses) utilization, respectively. MDCPS and the applicant have held a dialogue and the applicant has voluntarily proffered a Declaration of Restrictions to the School Board in order to provide a monetary donation over and above impact fees.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 units per acre, for a minimum of one (1) to a maximum of four (4) units on the 0.72-acre subject property. Therefore, the applicant's proposal of two (2) residential lots is within the numerical threshold allowed under the LUP map density designation, and is **consistent** with the LUP map's Low Density Residential designation of the CDMP. Further, staff is of the opinion that the proposed zone change to EU-M, along with the accompanying non-use variance of lot frontage requirements, is **compatible** with the existing EU-M zoned single-family residences immediately adjacent to the subject property to the north, south and east.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the proposed EU-M

zoning would be consistent with the **Low Density Residential** LUP map designation of the CDMP and the proposed lots would be compatible with the scale of the neighboring lot sizes to the east, north and south of the subject property currently developed with single-family residences on EU-M zoned parcels of land. The two neighboring properties to the north contain 16,770 sq. ft. and 15,480 sq. ft. of lot area. The abutting property to the east contains 19,200 sq. ft. of lot area and the two abutting properties to the south contain 21,760 sq. ft. and 21,120 sq. ft. of lot area. The requested EU-M zoning would allow the development of lots with a minimum net lot area of 15,000 square feet net. Staff opines that a rezoning of the subject property to EU-M as proposed in request #1 would be **compatible** with the surrounding properties and **consistent** with the LUP map designation of the CDMP, and the numerical threshold for density permitted therein. When considering district boundary changes, the Board shall also consider if the proposed development will have a favorable or unfavorable impact on public services and the environment. Staff notes that, as indicated by the memorandum submitted by DERM, the proposed development will not have an unfavorable impact on public services or on the environment. Additionally, when considering zone changes, the Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County; staff opines that the proposed zoning would not have an unfavorable impact on the economy and would provide an opportunity to address housing needs within Miami-Dade County. Moreover, the proposed development does not unduly burden or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application. The surrounding area is zoned EU-M to the north, south and east and developed with single-family residences on parcels which comply with the requirement of the EU-M zoning district to have a minimum of 15,000 sq. ft. in area. The applicant's request to rezone the subject property from AU to EU-M with the accompanying non-use variance request would permit parcels as shown on the submitted plan with minimum lot areas of 15,500 sq. ft. As previously mentioned, the applicant has submitted a revised land division plan indicating the intent to subdivide the 0.72-acre parcel into two buildable residential lots with less lot frontage than required. The proposal indicates that the two smaller lots with 0.35 net acre (15,462.7 sq. ft.) and 0.36 net acre (15,601.7 sq. ft.) will front on SW 170 Terrace. As previously mentioned, the surrounding area is predominantly zoned EU-M. In 1970, 15 acres of land that surround the subject property to the north, south and east were approved for a district boundary change from AU to EU-M, pursuant to Resolution No. Z-126-70. The subject property was not included in said application and, therefore, became a remnant AU-zoned parcel surrounded on three sides by EU-M zoned residential lots. Additionally, in 1965, the Board of County Commissioners (BCC) approved an application that sought to rezone an 82-acre site from AU to RU-1 and RU-3 for a residential development, pursuant to Resolution No. Z-183-65, which is the neighboring RU-3 development on the west side of SW 112 Avenue.

In staff's opinion, the request to rezone the property to EU-M as approved by CZAB-14 concludes a logical zoning for a property that was originally excluded from a 15-acre area rezoned to EU-M and removes a remnant AU-zoned property which is no longer compatible with the surrounding established residential area. The rezoning to EU-M of the 0.72-acre parcel contributes towards creating a harmonious zoning enclave, and establishing SW 112 Avenue as a clear line of demarcation between the existing higher density, RU-3 zoned land to the west and the lower density EU-M zoning to the east, north and south. Staff is also of the opinion that the proposed two residential lots would be more in scale and compatible with the area, which is characterized by parcels of land with lot areas ranging in area from 15,480 sq. ft. to 21,760 sq. ft., even though staff acknowledges that there are no other lots in the area with frontages as narrow as what is requested. Based on all of the aforementioned, staff is of the opinion that the request for a zone change to EU-M is **compatible** with the area.

When analyzing request #2, to permit 2 lots with a frontage of 97.51' (120' required), under the Non-Use Variance Standards, Section 33-311(A)(4)(b), staff is of the opinion that the request

maintains the basic intent and purpose of the zoning, subdivision and other land use regulations. As previously mentioned, staff is supportive of the requested district boundary change to EU-M as approved by CZAB-14. Staff notes that the site is otherwise oversized and contains 30,492 sq. ft. in area with a lot depth of 160.02' and a lot frontage of 195.02'. The EU-M zoning district mandates that EU-M lots have, at a minimum, a lot area of 15,000 sq. ft, a lot depth of 115' and a lot frontage of 120'. The neighboring EU-M properties that abut the subject property to then north, south and west were platted in 1970 as the Green Hills Estates Subdivision (PB: 89-70) and contain lots with frontages that range from a minimum of 120' to a maximum of approximately 138' and lot areas ranging in size from 15,480 sq. ft. to 21,760 sq. ft. As such, staff opines that the development of the 0.72-acre site with only one single-family residence would be out of scale with the neighboring properties as the 0.72-acre subject property would be a greatly larger building site in area than the adjacent EU-M zoned properties. Although the properties located on the block to the north of the subject property, still within the Green Hills Estate Subdivision and also fronting SW 170 Terrace, were platted with the minimum lot frontage of 120', in staff's opinion, approval of two lots with the substandard-sized frontage of 97.51' each would not detrimentally impact the surrounding residential area. Staff opines that although the requested frontages are 81.25% of the required amount, the visual impact will be mitigated by the proposed standard-sized lots that meet the lot area and lot depth requirements of the EU-M zoning district. As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV).

When analyzing request #2 under the Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), staff notes that the ASDO Standards provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis of the request under the ASDO Standards. As such, the request cannot be approved under same and, therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(14) (ASDO).


When analyzing request #2 under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would be required to prove that the request is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the EU-M zoning regulations. Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

Accordingly, staff notes that the proposed rezoning of the subject property to EU-M (request #1) is **consistent** with the LUP map Low Density Residential designation of the CDMP and, in staff's opinion, approval of the district boundary change and the accompanying non-use variance request are **compatible** with the surrounding area. Therefore, staff recommends approval of the zone change to EU-M (request #1), approval of the appeal and approval with conditions of request #2.

- I. **RECOMMENDATION:** Approval of the zone change to EU-M (request #1), approval of the appeal and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV); and denial without prejudice of request #2 under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).
- J. **CONDITIONS:** The following conditions pertain to request #2:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Waiver of Plat", as prepared by Jose Diaz, consisting of 1 sheet, dated stamped received 05-08-07. Except as may be specified by any zoning resolution applicable to the subject property, any development on the property which conforms to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant comply with all applicable conditions and requirements of the Public Works Department (PWD) and the Department of Environmental Resources Management (DERM).

DATE INSPECTED: 04/07/06
DATE TYPED: 07/05/06
DATE REVISED: 07/06/06; 01/19/07; 03/08/07; 03/21/07; 04/10/07; 05/08/07; 05/17/07;
06/06/07; 08/01/07; 08/14/07; 08/15/07; 08/17/07
DATE FINALIZED: 09/06/07
SB:MTF:LVT:JGM



Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum



Date: October 11, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

A handwritten signature in dark ink, appearing to read "Jose Gonzalez", written over the printed name.

Subject: C-14 #Z2005000285
Miguel A. Brizuela
SW corner of SW 112th Avenue and SW 170th Terrace
District Boundary Change from AU to RU-1
(AU) (.72 Ac.)
31-55-40

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Supply and Wastewater Disposal:

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year/1-day storm event. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History:

DERM has reviewed the permits and enforcement database and the enforcement case tracking system and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MIGUEL A. BRIZUELA

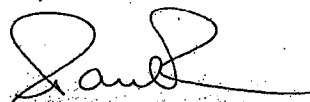
This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 3 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-56	SW 152 St. e/o SW 112 Ave.	B	B
9728	SW 107 Ave. s/o SW 160 St.	D	D
9876	SW 184 St. w/o SW 117 Ave.	A	A

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

22-MAY-07



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Chief Facilities Officer
Jaime G. Torrens

Planning Officer
Ana Rijo-Conde, AICP

March 19, 2007

Miami-Dade County School Board

Agustín J. Barrera, Chair
Dr. Martín Karp, Vice Chair
Renier Díaz de la Portilla
Evelyn Langlieb Greer
Perla Tabares Hantman
Dr. Robert B. Ingram
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

Ms. Maria Teresa Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

RECEIVED
MAR 23 2007

ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING

BY _____

Re: No. 05-285 Miguel Brizuela
Southwest Corner of SW 112 Avenue and SW 170 Terrace

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities, Homestead Middle School and South Dade Senior High School, meet the referenced review threshold (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant to discuss the impact of the proposed development on public schools. **The District is grateful that the applicant took the time to discuss with the School District possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application.**

As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Maria Teresa Fojo
March 19, 2007
Page 2

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis, as well as a report depicting previously approved applications in the area.

Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

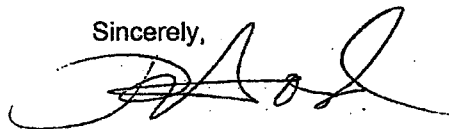
New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 2,000 square feet, the 3-unit development is estimated to generate approximately \$7,200 (\$2,400 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

In accordance with the Agreement, this letter and attached information should not be construed as commentary on the merits of the pending zoning application. Rather it is an attempt to provide relevant information to the Community Council on public schools that will likely serve the proposed development and meet the referenced threshold.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,



Patricia Good
Coordinator III

PG:rr
L-447
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-285, Miguel A. Brizuela (CC14)
REQUEST: Zone change from AU to RU-1
ACRES: .72 acres
LOCATIONS: Southwest Corner of SW 112 Avenue and SW 170 Terrace
**MSA/
MULTIPLIER:** 5.8/.72
**NUMBER OF
UNITS:** 3 single-family units
**ESTIMATED
STUDENT
POPULATION:** 2 students*
ELEMENTARY: 1
MIDDLE: -
SENIOR: 1

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Pine Lake Elementary - 16700 SW 109 Ave.
MIDDLE: Richmond Heights Middle - 15015 SW 103 Ave.
SENIOR HIGH: Miami Southridge Senior - 19355 SW 114 Avenue

All schools are located in Regional Center VI

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of September 2006:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE	
Pine Lake Elementary	567	638	89%	18	86%	
	568 *		89%		87%	
Richmond Heights Middle	1,318	1,145	115%	158	101%	
	*					
Miami Southridge Senior	3,682	2,662	138%	190	129%	
	3,683 *		138%		129%	

* increased student population as a result of the proposed development.

Notes:

1. Figures above reflect the impact of the class size amendment.
2. Pursuant to the Interlocal Agreement, the senior high school meets the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006:

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
Jorge Mas Canosa Middle/ State School "YY1" (Redland, Hammocks, Ammons and Richmond Heights Middle School Relief) (2232 student stations)	Construction	School Opening 2007
K-8 Conversion at F. C. Martin Elementary School (Richmond Heights Middle School Relief) (675 student stations)	Construction	School Opening 2007

Estimated Permanent Elementary Seats (Current and Proposed in 5Year Plan)	638
Estimated Permanent Middle Seats (Current and Proposed in 5Year Plan)	405
Estimated Permanent Senior High seats (Current and Proposed in 5Year Plan)	2662

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$13,098.

CAPITAL COSTS: Based on the State's December-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	Does not meet the threshold
MIDDLE	Not impacted by proposed development
SENIOR	1 x \$ 21,139 = \$ 21,139

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
ELEMENTARY SCHOOLS (K-5 - unless otherwise noted)					
0510	Archimedean Academy 12425 SW 72 St. Miami, FL 33183 www.archimedean.org	Ms. Pat Booth pbooth@dadeschools.net	305 640-6278/79/80/81 305 675-8448 Fax 702 993-1328 Fax <i>Electronic</i>	VI	8
4060	<i>Opened August 2006</i> Cooperative Charter School 1743-51 NW 54 St. Miami, FL 33161 http://www.cooperativescs.org	Dr. John Johnson johnsonj@dadeschools.net	305 693-2541 305 693-2543 Fax	III	2
3030	Doral Academy 2450 NW 97 Ave. Doral, FL 33172 http://doralacademy.dadeschools.net	Ms. Ileana Gomez ileanagomez@dadeschools.net	305 597-9999 305 591-2668 Fax	III	5
3600	Grades K-6 Downtown Miami Charter School 305 NW 3 Ave. Miami, FL 33128 http://www.downtowncharter.org	Mr. Paul Thompson paulthompson@dadeschools.net	305 579-2112 305 579-2115 Fax	IV	6
4070	Early Beginnings Academy - Civic Center 1411 NW 14 Ave. Miami, Florida 33125 <i>Pre-K and Kindergarten for Special Education only</i>	Ms. Leigh Kapps 926215@dadeschools.net	305 325-1080 305 325-1044 Fax	IV	5
4080	Early Beginnings Academy - North Shore 985 NW 91 St. Miami, FL 33150 <i>Pre-K and Kindergarten for Special Education only</i>	Ms. Carol Byrd 926121@dadeschools.net	Temporary: 305 835-9006 305 696-1688 Fax	III	2
0302	<i>Opened August 2006</i> EXcel Academy Charter School 6001 NW 8 Ave. Miami, FL 33127	Mr. Ralph Brantley rbrantley@dadeschools.net	305 751-6770 305 751-6771 Fax	III	2
0100	Mater Academy 7700 NW 98 St. Hialeah Gardens, FL 33016 http://materacademy.dadeschools.net	Ms. Kim Gullarte kimgullarte@dadeschools.net	305 698-9900 305 698-3822 Fax	I	4
3100	Mater Academy East Charter School 450 SW 4 St. Miami, FL 33130 http://materacademyeast.dadeschools.net	Ms. Beatriz Riera briera@dadeschools.net	305 324-4667 305 324-6580 Fax	IV	6

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
0312	<i>Opened August 2006</i> Mater Gardens Academy 9010 NW 178 Ln. Miami Gardens, FL 33018 http://matergardens.dadeschools.net	Ms. Lourdes Isla-Marrero lmarrero@dadeschools.net	305 512-9775 305 512-3708 Fax	I	4
4000	Miami Children's Museum Charter School 980 McArthur Causeway Miami, FL 33132 http://mcmcharter.dadeschools.net	Ms. Maria Mongeotti-Greer mongeotti-greer@dadeschools.net	305 329-3758 305 329-3767 Fax	II	3
0102	<i>Grades K-6</i> Miami Community Charter School 101 SW Redland Rd. Florida City, FL 33034	Ms. Jila Rezaie jrezaie@dadeschools.net	305 245-2552 305 245-2527	VI	9
5010	Oxford Academy of Miami 10870 SW 113 Pl Miami, FL 33176	Dr. Pauline A. Young PaulineAYoung@dadeschools.net	305 598-4494 305 598-4475 Fax	V	7
0342	<i>Opened August 2006</i> Pinecrest Academy (South Campus) 15130 SW 80 St. Miami, FL 33193	Ms. Victoria Larrauri vlarrauri@dadeschools.net	305 386-0800 305 386-6298 Fax	VI	7
0600	Pinecrest Preparatory Academy 14301 SW 42 St. Miami, FL 33175 http://Pinecrestpreparatoryacademy.dadeschools.net	Ms. Susie Dopico sdopico@dadeschools.net	Main: 305 207-1027 305 207-1897 Fax	V	8
0400	Renaissance Elementary Charter School 8360 NW 33 St. Miami, FL 33122 http://www.recscharter.org	Ms. Ana Cordal acordal@dadeschools.net	305 591-2225 305 591-2984 Fax	III	5
5710	Sandor Wiener School of Opportunity 20000 NW 47 Ave., Bldg. 7 Miami, FL 33055 <i>Mailing address:</i> P.O. Box 173470 Hialeah, FL 33017-3470 <i>Special Education only</i>	Ms. Jeanine del Valle jdelvalle1@dadeschools.net	305 623-9631 305 623-9621 Fax	I	1
5030	Sandor Wiener School of Opportunity, South 11025 SW 84 St., Bldg. 5 Miami, FL 33173 <i>Special Education only</i>	Ms. Lissa Gonzalez lgonzalez1@dadeschools.net	305 279-3064 305 279-3294 Fax	V	7
0520	Somerset Academy 18491 SW 134 Ave. Miami, FL 33177 http://somerseletelem.dadeschools.net	Ms. Suzette Ruiz sruiz0520@dadeschools.net	305 969-6074 305 969-6077 Fax	VI	7

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
MIDDLE SCHOOLS (6-8)					
6006	Archimedean Middle Conservatory 12425 SW 72 St. Miami, FL 33183 www.archimedean.org	Ms. Vasiliki Moysidis vmoyisdids@dadeschools.net	305 640-6278/79/80/81 305 675-8448 Fax 702 993-1328 Fax <i>Electronic</i>	VI	8
6070	ASPIRA Eugenio Maria de Hostos Youth Leadership Charter School One NE 19 St. Miami, FL 33132 http://fl.aspira.org/Wynwood/Charter/emh_charter.htm	Mr. Fernando Lopez flopez@dadeschools.net	305 576-1512 305 576-0810 Fax	IV	2
6060	ASPIRA South Youth Leadership Charter School 14112-14114 SW 288 St. Leisure City, FL 33033 http://fl.aspira.org/South/Charter/south_charter.htm	Dr. Monica Starke mstarke@dadeschools.net	305 246-1111 305 246-1433 Fax	VI	9
6020	ASPIRA Youth Leadership Charter School 13300 Memorial Hwy. North Miami, FL 33161 http://fl.aspira.org/North/Charter/north_charter.htm	Ms. Iliana Peña ldpena@dadeschools.net	305 893-8050 305 891-6055 Fax	II	1
6030	Doral Academy Charter Middle School 2601 NW 112 Ave. Doral, FL 33172 http://dachs.dadeschools.net/	Ms. Ofelia Alvarez Ofelvarez4@dadeschools.net	305 591-0020 305 591-9251 Fax	III	5
6010	Florida International Academy 7630 Biscayne Blvd. Miami, FL 33138	Ms. Sonia Mitchell smitchell@dadeschools.net	305 758-6912 305 758-6985 Fax	IV	2
6008	Lawrence Academy 777 West Palm Dr. Florida City, FL 33034	Dr. Keitha Burnett 926286@dadeschools.net	305 247-4800 305 247-4895 Fax	VI	9
6012	Mater Academy Charter Middle School 7901 NW 103 St. Hialeah Gardens, FL 33016 http://materacademyhigh.dadeschools.net	Mr. Kenneth Feria kferia@dadeschools.net	305 828-1886 305 828-6175 Fax	I	4
6033	<i>Opened August 2006</i> Mater Academy Lakes Middle School 5875 NW 163 St. Miami Lakes, FL 33014 <i>Temporary location for 2006-2007:</i> 9010 NW 178 Ln. Miami Gardens, FL 33018	Ms. Jennifer Share jshare@dadeschools.net	Temporary: 305 512-9775 305 512-3708 Fax	I	4

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
6042	<i>Opened August 2006</i> Mater Gardens Academy Middle School 9010 NW 178 Ln. Miami Gardens, FL 33018	Ms. Cecilia Telleria cbermeosolo@dadeschools.net	305 512-9775 305 512-3708 Fax	I	4
6022	Pinecrest Academy Charter Middle School 14301 SW 42 St. Miami, FL 33175 http://Pinecrestpreparatoryacademy.dadeschools.net	Ms. Maria Beatriz Nunez mbrnunez@dadeschools.net	Main: 305 207-1027 305 207-1897 Fax	V	8
	<i>Kendall Greens campus:</i> 15130 SW 80 St. Miami, FL 33193		Kendall Greens: 305 386-0800 305 386-6298 Fax	VI	7
6028	Renaissance Middle Charter School 8360 NW 33 St. Miami, FL 33122 http://www.recscharter.org	Ms. Ana Cordal acordal@dadeschools.net	305 591-2225 305 591-2984 Fax	III	5
6004	Somerset Academy Charter Middle School 18491 SW 134 Ave. Miami, FL 33177	Ms. Sandra Grau sgrau@dadeschools.net	305 969-6074 305 969-6077 Fax	VI	7
6029	Spirit City Academy 285 NW 199 St. Miami Gardens, FL 33169 <i>Special Education only</i>	Ms. Cecilia Honeywood cahoneywood@dadeschools.net	305 614-0451 305 652-7377 Fax	II	1
K-8 CENTERS					
0950	Aventura City of Excellence Charter School 3333 NE 188 St. Aventura, FL 33180 http://www.aventuracharter.org	Dr. Katherine Murphy kmurphy@dadeschools.net	305 466-1499 305 466-1339 Fax	II	3
0113	Balere Language Academy 10600 Caribbean Blvd. Miami, FL 33189 http://www.balere.org/version2/academy/index.php	Ms. Rocka Malik rmlalik@dadeschools.net	305 232-9797 305 232-4535 Fax	VI	9
0070	Coral Reef Montessori Academy Charter School 10853 SW 216 St. Miami, FL 33170 http://coralreefmontessori.dadeschools.net	Ms. Juliet King juking@dadeschools.net Ms. Lucy Canzoneri-Golden canzoneri-golden@dadeschools.net	305 255-0064 305 255-4085 Fax	VI	9
2060	The Theodore R. and Thelma A. Gibson Charter School <i>Temporary location:</i> 450 SW 4 St. Miami, FL 33130 http://gibsoncharter.dadeschools.net	Mr. Charles Bethel cbethel@dadeschools.net	305 324-1335 305 324-1343 Fax	IV	6

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
3610	Keys Gate Charter School 2000 SE 28 Ave. Homestead, FL 33035 http://www.keyscharter.org	Ms. Robin Sandler rsandler@dadeschools.net	305 230-1616 305 230-1347 Fax	VI	9
0040	Liberty City Charter School 8700 NW 5 Ave. Miami, FL 33150 http://www.lccschool.com	Ms. Katrina Wilson-Davis k.wilson-davis@dadeschools.net	305 751-2700 305 751-1316 Fax	II	2
0300	Rosa Parks Charter School/Florida City <i>K-5 students will be at this location:</i> 713 West Palm Drive Florida City, FL 33034 <i>6-8 students will be at this location:</i> 303 West Palm Drive Florida City, FL 33034	Ms. Marva de Silva mdesilva@dadeschools.net	305 246-3336 305 246-3340 Fax	VI	9
5050	Sunshine Academy 14550 NE 6 Ave. North Miami, FL 33161	Ms. Alcira Manzano amanzano@dadeschools.net	305 947-3650 305 947-3609 Fax	II	1
1010	The Charter School at Waterstone 855 East Waterstone Way Homestead, FL 33033	Dr. Cristina Cruz cristinacruz@dadeschools.net	305 248-6206 305 248-6208 Fax	VI	9
1020	Youth Co-Op Charter School 12051 W. Okeechobee Rd. Hialeah Gardens, FL 33018 http://yccs.dadeschools.net/	Ms. Maritza Aragon maragon@dadeschools.net	305 819-8855 305 819-8455 Fax	I	4
MIDDLE/SENIOR HIGH SCHOOLS					
6040	Grades 6-12 Doctors Charter School of Miami Shores 11301 NW 5 Ave. Miami Shores, FL 33168	Ms. Marjorie Wessel 929618@dadeschools.net	305 754-2381 305 751-5833 Fax	II	2
6009	Grades 6-9 Mater East Academy Middle School 450 SW 4 St. Miami, FL 33130	Ms. Ana Valdes anavaldes@dadeschools.net	305 324-4667 305 324-6580 Fax	IV	6

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
6027	Grades 8-12 Transitional Learning Academy 1411 NW 14 Ave. Miami, Florida 33125 <i>Special Education only</i>	Ms. Pamela Miller pammiller@dadeschools.net	Temporary: 305 325-1080 305 325-1044 Fax	IV	5
SENIOR HIGH SCHOOLS (9-12)					
7022	Academy of Arts & Minds 3138 Commodore Plaza Miami, FL 33133 http://www.aandm.net	Mr. Alex Tamargo atamargo@dadeschools.net	305 448-1100 305 448-9737 Fax	IV	6
7020	Doral Academy High School 11100 NW 27 St. Doral, FL 33172 http://dachs.dadeschools.net	Mr. Frank Jimenez fjimenez@dadeschools.net	305 597-9950 305 477-6762 Fax	III	5
7009	Doral Performing Arts & Entertainment Academy 11100 NW 27 St., Doral, FL 33172 and 2601 NW 112 Ave., Doral, FL 33172 http://dachs.dadeschools.net	Ms. Eleonora Cuesta ecuesta@dadeschools.net	305 591-0020 305 591-9251 Fax	IV	6
7007	International Studies Charter High School 396 Alhambra Circle Coral Gables, FL 33134 http://ischs.dadeschools.net/	Mr. Victor Rodriguez vicrodriguez@dadeschools.net	305 442-7449 305 442-7729 Fax	IV	6
7015	Life Skills Center Miami-Dade County 3535 NW 7 Street Miami, FL 33125	Mr. Jose Filpo 926264@dadeschools.net	305 643-9111 305 643-9141 Fax	IV	5
7017	<i>Opened August 2006</i> Life Skills Center Opa Locka 3400 NW 135 St. Opa locka, FL 33054	Mr. Erik Rashad erashad@dadeschools.net	305 685-1415 305 685-1614 Fax	III	2
7160	Mater Academy Charter High School 7901 NW 103 St. Hialeah Gardens, FL 33016 http://materacademyhigh.dadeschools.net	Ms. Judith Marty JMarty@dadeschools.net	305 828-1886 305 828-6175 Fax	I	4
7018	<i>Opened August 2006</i> Mater Academy Lakes High School 5875 NW 163 St. Miami Lakes, FL 33014 <i>Temporary location for 2006-2007:</i> 9010 NW 178 Ln. Miami Gardens, FL 33018	Mr. Rene Rovirosa rrovirosa@dadeschools.net	Temporary: 305 512-9775 305 512-3708 Fax	I	4

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
7014	Mater Performing Arts & Entertainment Academy 7901 NW 103 St. Hialeah Gardens, FL 33016	Ms. Christine McGuinn cmcguinn@dadeschools.net	305 828-1886 305 828-6175 Fax	I	4
7030	School for Integrated Academics & Technologies (SIATech) Main Campus: Homestead Job Corps Center 12350 SW 285 St., Homestead, FL 33033	Ms. Marjorie Lopez lopezma@dadeschools.net	Main: 305 258-9477 305 258-9584 Fax	VI	9
	North Campus: Miami Job Corps Center 3050 NW 183 St., Miami Gardens FL 33056		North Campus: 305 624-1144 305 624-9172 Fax	I	1
7042	Somerset Academy Charter High School SW 117 Ave. & 232 St., Miami, FL 33170 Temporary locations: 2601 NW 112 Ave., Doral, FL 33172 and 11100 NW 27 St., Doral, FL 33172 http://dachs.dadeschools.net	Mr. Jose Baca josebaca@dadeschools.net	Temporary numbers: 305 597-9950 305 477-6762 Fax	III	5

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SCHOOL NAME	SCHOOL NAME
1. Academy of Arts & Minds <i>(Senior High School)</i>	30. Mater Academy Charter High School <i>(Senior High School)</i>
2. Archimedean Academy <i>(Elementary)</i>	31. Mater Academy Lakes High School <i>(Senior High School)</i>
3. Archimedean Middle Conservatory <i>(Middle)</i>	32. Mater Academy Lakes Middle School <i>(Middle)</i>
4. ASPIRA Eugenio Maria de Hostos Youth Leadership <i>(Middle)</i>	33. Mater East Academy Middle School <i>(Middle/Senior)</i>
5. ASPIRA South Youth Leadership Charter School <i>(Middle)</i>	34. Mater Gardens Academy <i>(Elementary)</i>
6. ASPIRA Youth Leadership Charter School <i>(Middle)</i>	35. Mater Gardens Academy Middle School <i>(Middle)</i>
7. Aventura City of Excellence Charter School <i>(K-8 Center)</i>	36. Mater Performing Arts & Entertainment Academy <i>(Senior High School)</i>
8. Balere Language Academy <i>(K-8 Center)</i>	37. Miami Children's Museum Charter School <i>(Elementary)</i>
9. Coral Reef Montessori Academy Charter School <i>(K-8 Center)</i>	38. Miami Community Charter School <i>(Elementary K-6)</i>
10. Cooperative Charter School <i>(Elementary)</i>	39. Oxford Academy of Miami <i>(Elementary)</i>
11. Doctors Charter School of Miami Shores <i>(Middle/Senior)</i>	40. Pinecrest Academy Charter Middle School <i>(Middle)</i>
12. Doral Academy <i>(Elementary)</i>	41. Pinecrest Academy (South Campus) <i>(Elementary)</i>
13. Doral Academy High School <i>(Senior High School)</i>	42. Pinecrest Preparatory Academy <i>(Elementary)</i>
14. Doral Academy Charter Middle School <i>(Middle)</i>	43. Renaissance Elementary Charter School <i>(Elementary)</i>
15. Doral Performing Arts & Entertainment Academy <i>(Senior High School)</i>	44. Renaissance Middle Charter School <i>(Middle)</i>
16. Downtown Miami Charter School <i>(Elementary K-6)</i>	45. Rosa Parks Charter School/Florida City <i>(K-8 Center)</i>
17. Early Beginnings Academy – Civic Center <i>(Elementary)</i>	46. Sandor Wiener School of Opportunity <i>(Elementary)</i>
18. Early Beginnings Academy – North Shore <i>(Elementary)</i>	47. Sandor Wiener School of Opportunity, South <i>(Elementary)</i>
19. EXcel Academy <i>(Elementary)</i>	48. School for Integrated Academics & Technologies (SIATech) <i>(Senior High School)</i>
20. Florida International Academy <i>(Middle)</i>	49. Somerset Academy <i>(Elementary)</i>
21. International Studies Charter High School <i>(Senior High School)</i>	50. Somerset Academy Charter High School <i>(Senior High School)</i>
22. Keys Gate Charter School <i>(K-8 Center)</i>	51. Somerset Academy Charter Middle School <i>(Middle)</i>
23. Lawrence Academy <i>(Middle)</i>	52. Spirit City Academy <i>(Middle)</i>
24. Liberty City Charter School <i>(K-8 Center)</i>	53. Sunshine Academy <i>(K-8 Center)</i>
25. Life Skills Center Miami-Dade County <i>(Senior High School)</i>	54. The Charter School at Waterstone <i>(K-8 Center)</i>
26. Life Skills Center Opa-Locka <i>(Senior High School)</i>	55. Theodore R. and Thelma A. Gibson Charter School <i>(K-8 Center)</i>
27. Mater Academy East Charter School <i>(Elementary)</i>	56. Transitional Learning Academy <i>(Middle/Senior)</i>
28. Mater Academy <i>(Elementary)</i>	57. Youth Co-Op Charter School <i>(K-8 Center)</i>
29. Mater Academy Charter Middle School <i>(Middle)</i>	

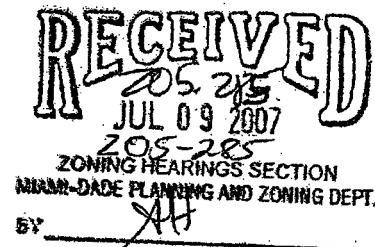
PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY R.C. AMOUNT OF FEE \$1,838.18

RECEIPT # S.H.A.H.
I 200723266

DATE HEARD: 6/19/07

BY CZAB # 14



DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 07-4-CZ14-1 105-285

Filed in the name of (Applicant) Miguel A. Brizuela

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: Southeast corner of S.W. 112 Ave 3
Southwest 170 Terrace, Miami-Dade County

Application, or part of Application being Appealed (Explanation):

Appellant (name): Miguel A. Brizuela

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

The non-use variance maintains the basic intent and purpose of the
zoning, subdivision and other land use regulations, and the non-use variance
will be otherwise compatible with the surrounding land uses and would
not be detrimental to the community.

Page 1

APPELLANT MUST SIGN THIS PAGE

Date: 6th day of July, year: 2007

Signed

Miguel A. Brizuela

Miguel A. Brizuela
Print Name

10251 S.W. 72 St. #105, Miami, FL 33173
Mailing Address

305-630-9693 305-271-9277
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Miguel A. Brizuela, P.L.

Representing

Miguel A. Brizuela

Signature

Miguel A. Brizuela, Esp.

Print Name

10251 SW 72 St., suite 105
Address

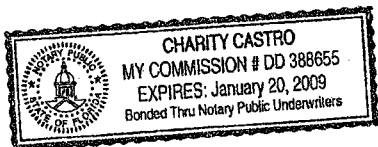
Miami FL 33173
City State Zip

305-271-1716
Telephone Number

Subscribed and Sworn to before me on the 6th day of July, year 2007

[Signature]

Notary Public



(stamp/seal)

Commission expires:

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Miguel A. Brizuela
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☒ 2. Original Applicant
☐ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

KGB
Signature

Karen Gomez
Print Name

[Signature]
Signature

Eduardo Bautista
Print Name

Miguel A. Brizuela
Appellant's signature

Miguel A. Brizuela
Print Name

Sworn to and subscribed before me on the 06th day of July, year 2009

Appellant is personally know to me or has produced personally known as
identification.

[Signature]
Notary
(Stamp/Seal)

Commission Expires:

RESOLUTION NO. CZAB14-20-07

WHEREAS, MIGUEL A. BRIZUELA applied for the following:

- (1) AU to EU-M
- (2) To permit 2 lots each with a lot frontage of 97.51' (120' required).

Upon demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Waiver of Plat," as prepared by Jose Diaz, consisting of 1 sheet, dated stamped received 5/8/07.

SUBJECT PROPERTY: The west 230' of the south 160' of the north ½ of the SW ¼ of the NW ¼ of the NE ¼ all in Section 31, Township 55 South, Range 40 East, less the west 35' for right-of-way.

LOCATION: The southeast corner of S.W. 112 Avenue & S.W. 170 Terrace, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-M (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and that the request to permit 2 lots each with a lot frontage of 97.51' (Item #2) would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance and should be denied, and

WHEREAS, a motion to approve Item #1, and deny Item #2 without prejudice, was offered by Wilbur B. Bell, seconded by Dawn Lee Blakeslee, and upon a poll of the members present the vote was as follows:

Wilbur B. Bell	aye	Dr. Pat Wade	aye
Dawn Lee Blakeslee	aye		
		Curtis Lawrence	aye

NOW THEREFORE BE IT RESOLVED, by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to EU-M (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED, that the request to permit 2 lots each with a lot frontage of 97.51' (Item #2) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the approval herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 19th day of June, 2007.

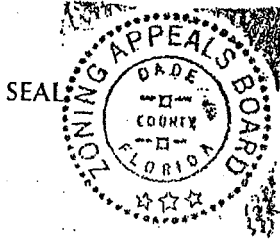
Hearing No. 07-4-CZ14-1
Is

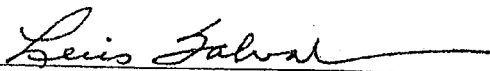
STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-20-07 adopted by said Community Zoning Appeals Board at its meeting held on the 19th day of June 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 25th day of June 2007.




Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning

Memorandum



Date: 23-AUG-07

To: Subrata Basu, Interim Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2005000285

Fire Prevention Unit:

Fire Engineering and Water Supply has no objection to request to change from AU to EUM

Service Impact/Demand:

Development for the above Z2005000285
located at THE SOUTHEAST CORNER OF SW 112 AVENUE & SW 170 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2145 is proposed as the following:

<u>residential</u>	dwelling units	<u> </u>	square feet
	square feet	<u>industrial</u>	square feet
<u>Office</u>		<u>institutional</u>	
<u>Retail</u>	square feet	<u> </u>	square feet
		<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 7:25 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 50, 9798 Hibiscus Street
Rescue

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
None

Fire Planning Additional Comments:

No objection to change from AU to EUM

DATE: 08/22/07

REVISION 3

TEAM METRO

ENFORCEMENT HISTORY

MIGUEL A. BRIZUELA

THE SOUTHEAST CORNER OF SW
112 AVENUE & SW 170 TERRACE,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000285

HEARING NUMBER

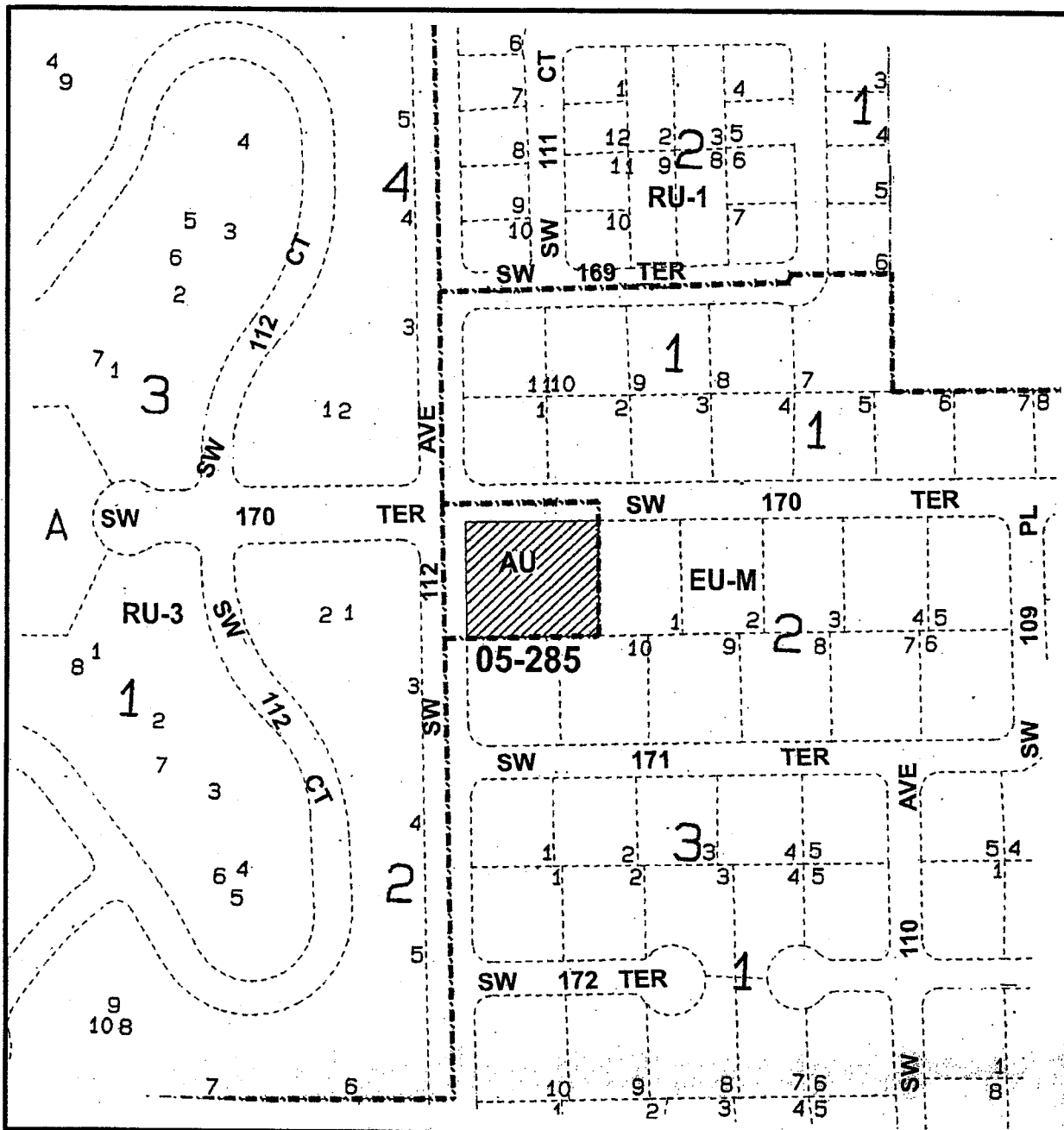
CURRENT ENFORCEMENT HISTORY:

There are no active cases for this property. There were three previous cases that are closed, the details are as follows:

200702000432 01/08/07 W/L issd-overgrowth-02/05/07 compliance-clsd.

200602004540 05/22/06 Sign on ROW rmvd-insufficient info-case clsd.

200402002025 03/03/04 Insufficient overgrowth-case clsd.



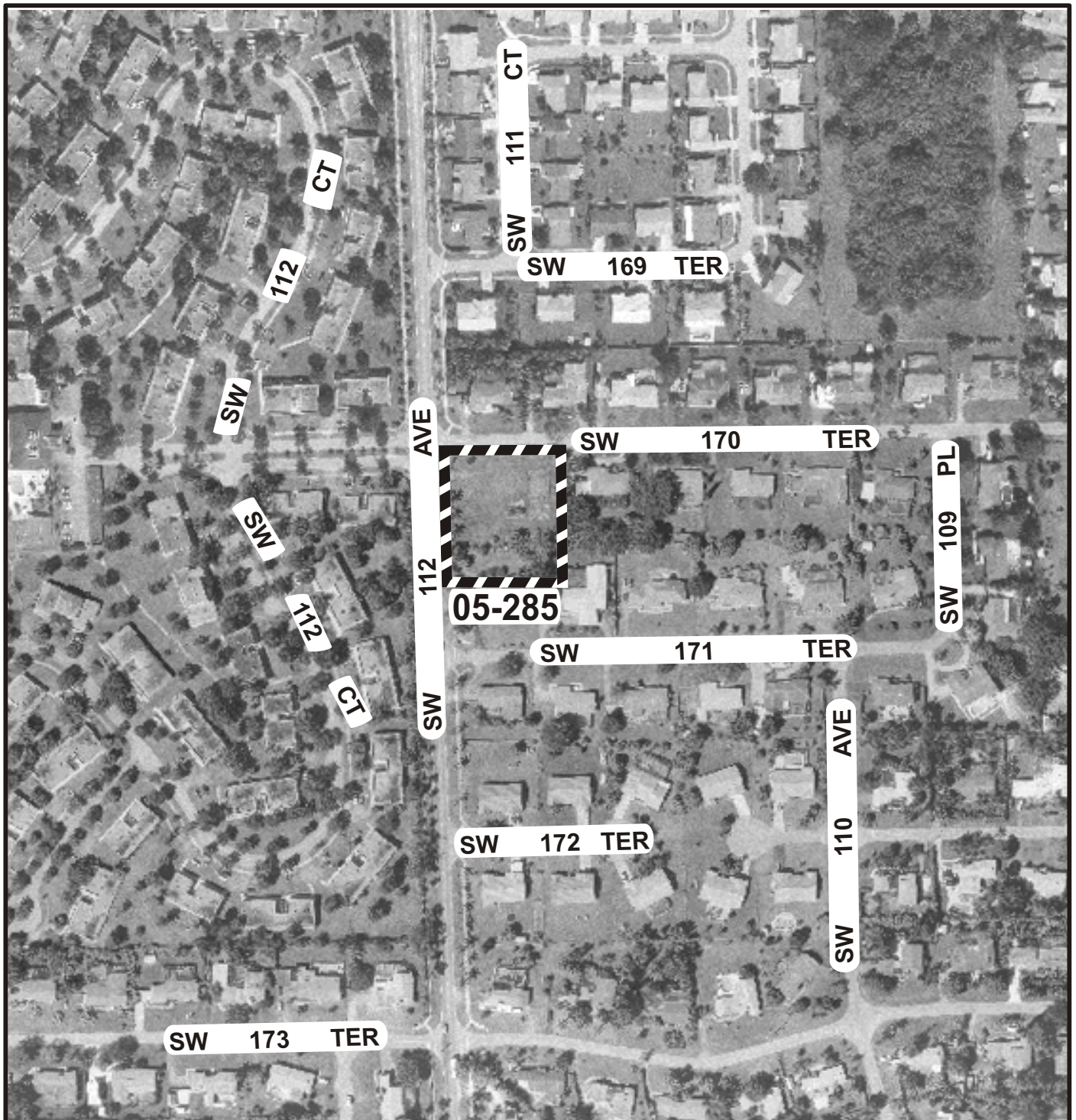
MIAMI-DADE COUNTY HEARING MAP

Section: 31 Township: 55 Range: 40
 Process Number: 05-285
 Applicant: MIGUEL A. BRIZUELA
 Zoning Board: C14
 District Number: 09
 Drafter ID: ERIC
 Scale: 1:200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 31 Township: 55 Range: 40
Process Number: 05-285
Applicant: MIGUEL A. BRIZUELA
Zoning Board: C14
District Number: 09
Drafter ID: ERIC
Scale: NTS



VOLUME 5

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY nu AMOUNT OF FEE 1838.18
RECEIPT # 38371
DATE HEARD: 6/19/07
BY CZAB # 14

RECEIVED
205.215
JUL 09 2007

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AT

DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 07-4-CZ14-1 (05-285)

Filed in the name of (Applicant) Miguel A. Brizuela

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: Southeast corner of S.W. 112 Ave 3
Southwest 170 Terrace, Miami-Dade County

Application, or part of Application being Appealed (Explanation):

Appellant (name): Miguel A. Brizuela
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

The non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, and the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community.

Page 1

①

APPELLANT MUST SIGN THIS PAGE

Date: 6th day of July, year: 2007

Signed

Miguel A. Brizuela

Miguel A. Brizuela
Print Name

10251 S.W. 72 St. #105, Miami, FL 33173
Mailing Address

305-630-9693 305-271-9277
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Miguel A. Brizuela, P.L.
Representing

Miguel A. Brizuela
Signature

Miguel A. Brizuela, Esq.
Print Name

10251 SW 72 St., suite 105
Address

Miami FL 33173
City State Zip

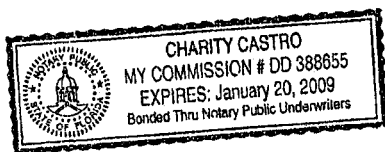
305-271-1716
Telephone Number

Subscribed and Sworn to before me on the 6th day of July, year 2007

[Signature]
Notary Public

(stamp/seal)

Commission expires:



APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Miam-Dade

Before me the undersigned authority, personally appeared Miguel A. Brizuela
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☒ 2. Original Applicant
☐ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

KG
Signature

Karen Gomez
Print Name

[Signature]
Signature

Eduardo Boutista
Print Name

Miguel A. Brizuela
Appellant's signature

Miguel A. Brizuela
Print Name

Sworn to and subscribed before me on the 06th day of July, year 2007

Appellant is personally know to me or has produced personally known as
identification.

[Signature]
Notary
(Stamp/Seal)

Commission Expires:

VOLUME 6



Department of Planning and Zoning

Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

June 25, 2007

Miguel A. Brizuela
10251 S.W. 72 Street, #105
Miami, Florida 33173

Re: Hearing No. 07-4-CZ14-1 (05-285)
Location: Southeast corner of S.W. 112 Avenue &
S.W. 170 Terrace, Miami-Dade County, Florida.

Dear Mr. Brizuela:

Enclosed herewith is a copy of Resolution No. CZAB14-20-07, adopted by Miami-Dade County's Community Zoning Appeals Board 14, which approved your request for rezoning to EU-M, and denied, without prejudice, the request for two (2) lots with frontage variances, at the above-note location.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting is June 25, 2007.

For information regarding filing an appeal please contact the Zoning Hearings office at the address noted above or call (305) 375-2640.

Cordially,

Lou Salvat
Deputy Clerk

Enclosure

Delivering Excellence Every Day

**MIAMI-DADE
COUNTY**

VOLUME 7

RESOLUTION NO. CZAB14-20-07

WHEREAS, **MIGUEL A. BRIZUELA** applied for the following:

- (1) AU to EU-M
- (2) To permit 2 lots each with a lot frontage of 97.51' (120' required).

Upon demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Waiver of Plat," as prepared by Jose Diaz, consisting of 1 sheet, dated stamped received 5/8/07.

SUBJECT PROPERTY: The west 230' of the south 160' of the north ½ of the SW ¼ of the NW ¼ of the NE ¼ all in Section 31, Township 55 South, Range 40 East, less the west 35' for right-of-way.

LOCATION: The southeast corner of S.W. 112 Avenue & S.W. 170 Terrace, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-M (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and that the request to permit 2 lots each with a lot frontage of 97.51' (Item #2) would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance and should be denied, and

WHEREAS, a motion to approve Item #1, and deny Item #2 without prejudice, was offered by Wilbur B. Bell, seconded by Dawn Lee Blakeslee, and upon a poll of the members present the vote was as follows:

Wilbur B. Bell	aye	Dr. Pat Wade	aye
Dawn Lee Blakeslee	aye		
	Curtis Lawrence	aye	

NOW THEREFORE BE IT RESOLVED, by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to EU-M (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED, that the request to permit 2 lots each with a lot frontage of 97.51' (Item #2) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the approval herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 19th day of June, 2007.

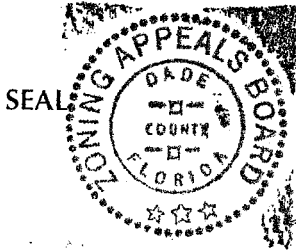
Hearing No. 07-4-CZ14-1
ls

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-20-07 adopted by said Community Zoning Appeals Board at its meeting held on the 19th day of June 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 25th day of June 2007.



Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning

VOLUME 8

COMMUNITY ZONING APPEALS BOARD - AREA 14
SOUTH DADE GOVERNMENT CENTER - ROOM 203
10710 SW 211 STREET - MIAMI, FLORIDA

Tuesday, June 19, 2007

6:00 p.m.

ITEM NO:

MIGUEL A. BRIZUELA
05-285

BOARD MEMBERS

Present:

Curtis Lawrence, Chairman
Dawn Lee Blakeslee, Vice Chairwoman
Wilbur B. Bell
Dr. Pat Wade

STAFF PRESENT:

James Murphy
Nila Cartaya
JoAnn Pirrello
Lou Salvat
Leigh Macdonald, Assistant County Attorney

I N D E X

BOARD MEMBERS

CHAIRMAN LAWRENCE: 3,4,5,7,8,9,11,14,15,21,22,23,24,25,26,
27,28,29,30,31,32,33

BOARD MEMBER WADE: 6,16,25,26,27,28,31,32

BOARD MEMBER BELL: 24,25,26,27,28,29,30,31,32

BOARD MEMBER BLAKESLEE: 25,26,31,32

STAFF

MR. SALVAT: 6,26,31,32

MS. PIRRELLO: 3,4,5

MR. MURPHY: 19,23,29

MS. MACDONALD: 28,29,30,31

APPLICANT

MR. BRIZUELA: 5-7,8,9,17-22,23,24,28,29,30,33

OPPOSERS

MR. RICHARDS: 9-10

MR. HOLLAND: 10

MS. JONES: 10

MS. SHAWSHARE: 10

MS. CULVER: 11-12

MR. DORSETT: 12-14,15

MS. BLAKE: 16-17

1 (Thereupon, all witnesses were sworn in by the Court
2 Reporter, after which the following proceedings were had:)

3 * * * * *

4 CHAIRMAN LAWRENCE: Staff, will you read your
5 disclaimer.

6 MS. PIRRELLO: In accordance would the Code
7 of Miami-Dade County, all items to be heard
8 tonight have been legally advertised in the
9 newspaper, the notices have been mailed and the
10 properties have been posted. Additional copies of
11 the agenda are available here at the meeting.
12 Items with be called up to be heard by agenda
13 number and name of applicant. The record of the
14 hearing on each application will include the
15 records of the Department of Planning and Zoning.
16 All these items are physically present tonight,
17 available to all interested parties and available
18 to the Members of the Board who may examine items
19 from the record during the hearing.

20 Parties have the right of cross examination.

21 This statement, along with the fact that all
22 witnesses have been sworn, should be included in
23 any transcript of all or any part of these
24 proceedings.

25 In addition, the following departments have

1 representatives present here at the meeting to
2 address any questions: The Department of Public
3 Works, the Department of Planning and Zoning, and
4 the County Attorney's Office.

5 All exhibits used in presentation before the
6 Board become part of the public record and will
7 not be returned unless an identical letter-size
8 copy is submitted for the file.

9 All persons making impertinent or slanderous
10 remarks or who become boisterous while addressing
11 the Community Zoning Appeals Board shall be barred
12 from further audience before the Board by the
13 presiding officer, unless permission to continue
14 or again address the Board be granted by a
15 majority vote of the Board Members present.

16 The number of filed protests and waivers on
17 each application will be read into the record at
18 the time of hearing as each application is called.

19 Those items not heard prior to the ending
20 time for the meeting will be deferred to the next
21 available zoning hearing meeting date for this
22 Board.

23 CHAIRMAN LAWRENCE: Thank you.

24 When I call your item, please step to the
25 podium, state your name and address clearly for

1 the record. I will then proceed to call those of
2 you who are in support of the application. After
3 which I will ask for objectors.

4 Those of you who wish to speak will state
5 your name and address clearly, and please be brief
6 as we are limited for time this evening. Thank
7 you.

8 You may call the first item.

9 MS. PIRRELLO: 07-4-CZ14-1, Miguel A.
10 Brizuela, 05-285. Zero protests, zero waivers.

11 MR. BRIZUELA: Good evening, my name is
12 Miguel Brizuela, I'm making an appearance on
13 behalf of my father. I'm an attorney. My Florida
14 Bar No. is 21465. My address is 10251 Southwest
15 72nd Street, Suite 104, Miami, Florida, 33173.

16 CHAIRMAN LAWRENCE: Would you turn that so
17 the audience can see it?

18 Take it back a little more. Okay. Not that
19 far back. That's okay.

20 MR. BRIZUELA: The last time we brought in --
21 the last time we brought a diagram that showed the
22 large prospective of the surrounding area.
23 Unfortunately we didn't get one, but we brought
24 some printouts. That's for you.

25 Fantastic, thank you.

1 We have some printouts if anyone would like
2 one.

3 MR. SALVAT: Mr. Brizuela, one for the
4 record, please.

5 MR. BRIZUELA: May I move the podium so I
6 don't have my back toward the members of the
7 community?

8 BOARD MEMBER DR. WADE: Please do. It should
9 have been done before.

10 CHAIRMAN LAWRENCE: If you would, could you
11 just turn it where it is?

12 MR. BRIZUELA: Sure.

13 Good evening, ladies and gentlemen of the
14 community. Good evening. Tonight we finished
15 something that was began in 1970. We have a plot
16 of land that is smaller than an acre, where the 15
17 surrounding acres were rezoned from AU to EU-M in
18 1970. So tonight we have this parcel of land that
19 is refused to be rezoned, and we are going to try
20 to rezone it from AU to EU-1.

21 Ultimately we would like to build two houses
22 on this property, and the County proffers that it
23 is compatible with the surrounding area because
24 the 15 surrounding areas are all EU-M, and the two
25 lots would be about the size of the other houses

1 in the community.

2 The County notes that if we had nearly one
3 property on this lot, it would be out of sync with
4 the rest of the area, that it would be too large
5 and it would be an anomaly within the community.

6 This property should increase the value of
7 the area because my understanding is that most of
8 the houses were built around the time that they
9 rezoned the property from AU to EU-M, so I imagine
10 they are at least 20 years old, so the building of
11 two beautiful houses will greatly enhance the
12 value of the neighborhood.

13 There are no objections by the actors in the
14 County. There are no objections from DERM, from
15 Public Works, from Parks, MDT, fire rescue and the
16 police, nor are there objections from the school.

17 My father has agreed to provide the School
18 District with extra funds to provide for the
19 students that might join the school district from
20 these houses.

21 I stand ready for questions.

22 CHAIRMAN LAWRENCE: This application came
23 before us, as I recall, a few months ago. And at
24 that time the applicant was seeking to put, I
25 believe, four houses on this particular lot, if

1 you all remember. And the Board gave him a
2 deferral and asked him to go back and limit it to
3 no more than two houses on this particular piece
4 of property.

5 MR. BRIZUELA: Okay.

6 CHAIRMAN LAWRENCE: This is on 112th Avenue
7 and 170th Terrace.

8 If you're finished with your presentation,
9 we'll ask for people in the audience to come up
10 and speak.

11 MR. BRIZUELA: Great.

12 CHAIRMAN LAWRENCE: Are there any other
13 persons in the audience to speak in support of
14 this application? Any more supporters?

15 Are there any objectors to this application?

16 Okay, well give them the opportunity to speak
17 at this time, if you're finished. Are you
18 finished?

19 MR. BRIZUELA: I'm fairly new to the Land Use
20 area. I was wondering if there is anything that
21 is customarily done when presenting a case that I
22 should consider doing?

23 CHAIRMAN LAWRENCE: I'm sorry?

24 MR. BRIZUELA: Is there anything that I
25 should do that the Board recommends that I do

1 prior to --

2 CHAIRMAN LAWRENCE: After they speak, you can
3 come back and rebut anything that they say or
4 whatever.

5 MR. BRIZUELA: Great, thank you.

6 CHAIRMAN LAWRENCE: Objectors?

7 MR. RICHARDS: My name is Joseph Richards, I
8 live about four -- about five houses --

9 CHAIRMAN LAWRENCE: We need an address.

10 MR. RICHARDS: 10970 Southwest 170 Terrace.

11 And I object -- I strongly object to having
12 that lot changed to two lots. It will change the
13 face of the neighborhood. All our lots in there
14 are large lots. My lot -- he just said that his
15 lot is unusually large. That is not true. My lot
16 is about approximately the same size as his lot.
17 It's a little different, but it's approximately
18 the same size. Most of the other residents lots
19 are large lots.

20 If we allow two lots there, it is going to
21 change the face of that neighborhood. I really do
22 not want it. And I don't stand alone. There are
23 a lot of neighbors that feel the same way.

24 As far as changing from agriculture to
25 residential, we have no problem with that. But we

1 have a lot of problem with changing that -- making
2 two lots out of that one lot.

3 CHAIRMAN LAWRENCE: Okay, thank you.
4 Next objector?

5 MR. HOLLAND: My name is Michael Holland, my
6 address is 11010 Southwest 170 Terrace. I'm
7 Mr. Richards' neighbor, and I oppose the two lots.
8 If we go with one lot, that will be fine. One
9 house on one lot, that is okay in our
10 neighborhood. But two in the same is not going to
11 be acceptable; okay? Thank you.

12 CHAIRMAN LAWRENCE: Thank you.

13 MS. JONES: Hello, I'm Cecilia Jones, I'm a
14 neighbor, 11011 Southwest 170th Terrace. I also
15 oppose. All of our homes are at lease half acre.
16 We would like the uniformity. We work very hard
17 to keep our neighborhood up, and we realize that
18 putting two homes on that one lot will definitely
19 change the face of the neighborhood, not add
20 value. I oppose. Thank you.

21 MS. SHAWSHARE: Hi, my name is Lee Shawshare,
22 I live at 11031 Southwest 170 Terrace. And I live
23 in there for almost 15 years, and the neighborhood
24 is very nice and big house, and big lots, and they
25 look very pretty. And that lot, if you put on two

1 house on that lot, it is going to be looking all
2 different and look ugly. So I oppose to put two
3 houses on there. Thank you.

4 CHAIRMAN LAWRENCE: Thank you.

5 MS. CULVER: My name is Dorothy Culver, and
6 my address is 11011 Southwest 107 Terrace.

7 I concur with everything that has been said.
8 On the southeast corner of that lot abuts the 112
9 Avenue. And on the west from 112 Avenue, in the
10 subdivision, 170 Terrace -- separation to two
11 roads, one on the north and one on the south. It
12 will cause a traffic problem. I have no idea how
13 those two houses will be arranged such that it
14 will not be a problem.

15 Coming from the east on 170 Terrace, making
16 either a right or left turn, will not be any
17 particular problem. But coming from the west
18 where there are two roads that go into 112 Avenue,
19 will present some difficulties.

20 I have noticed in that neighborhood there has
21 been several zoning violations in that
22 neighborhood. And there seems as if every lot
23 there that is vacant there have been attempts to
24 put houses on there. And in that neighborhood we
25 also find out that there is one huge monstrosity

1 of a house on a postage size stamp lot.

2 Our lot at that area is under seize by the
3 developers and et cetera.

4 Now, in the light that houses are not moving
5 very slowly -- they are moving very slowly and the
6 taxes are going up, insurance is terrible, I fear
7 Section 8. And that is what I assume is going to
8 happen with that corner lot, two houses. And,
9 therefore, I oppose -- tremendously oppose that
10 lot being separated into two houses. Let it
11 remain one house lot, please.

12 CHAIRMAN LAWRENCE: Thank you.

13 MR. DORSETT: Good evening, my name is Herman
14 Dorsett.

15 First of all, I would like to commend the
16 Board for having denied the original application,
17 and I understand that you sent them back to the
18 drawing board and mandated that they come back
19 with a lesser plan.

20 In July of 1972, my late wife and I moved
21 into the neighborhood. My address is 11111
22 Southwest 171 Terrace. We have remained residents
23 of that neighborhood. We've remained there
24 because it has had a strong sense of community.
25 There are neighbors, most of whom we know either

1 by sight or by name. The upkeep of the homes has
2 been phenomenally good. People generally paint
3 their houses at least once every year and a half
4 or so. We have been very much impressed by the
5 improvements. We have made improvements to our
6 home. We've added to it, legally, over the years.

7 The lot that we own is on a builder's half
8 acre. People have improved it, not only by
9 adding, by doing additional roof work, by doing
10 extensive landscape, and so on and so on.

11 We have been very vigilant and have been very
12 protective of our community. Those persons who
13 have violated the zoning standards and esthetic
14 standards, we have been adamant in protesting
15 those violations to Team Metro and to our
16 Commissioners.

17 Commissioner Moss lives in the neighborhood,
18 as you may know. We feel, or at least I feel that
19 as it has been said previously, that that would be
20 tremendous increase in the traffic flow, even
21 though as the gentleman said there would be only
22 two homes.

23 I would strongly disagree with him when he
24 says that that would be out of character. Sure,
25 it would be out of character because in similar

1 lots there are single family homes. The home that
2 was there was owned by the Baumgardners and they
3 had a very delightful pool and so on, and so on,
4 and so on.

5 So, the other thing that is extremely
6 important, I think, is the raised elevation of
7 that particular lot. I would ask the Commission
8 and my fellow neighbors to protest loudly this
9 encroachment in our neighborhood. We value our
10 properties, we value our lifestyle, we value what
11 it has brought to us over the years.

12 So, we ask those of you who have the power to
13 accept or deny the application to deny it. Thank
14 you very much.

15 CHAIRMAN LAWRENCE: Let me ask you one
16 question. When this application came before us
17 previously, I asked the owner if there was a house
18 there before, and he told me no. Are you saying
19 there was a house there?

20 MR. DORSETT: Definitely, definitely. There
21 was a house that was owned by the Baumgardner.
22 Mr. Baumgardner was a mail carrier, and I don't
23 know what work his wife did. But they had two
24 girls and a son. One of the daughters, and my
25 daughter, who is now an attorney, attended Killian

1 together. And so there was most definitely a
2 family there.

3 In fact, my wife and I were about an hour
4 late in buying the property when the Baumgardners
5 put it up for sale. They told us that they would
6 sell it to us for "x" amount of dollars if we got
7 there -- if the persons who they had spoken to
8 first had gotten there, and they did get there in
9 time.

10 And so the property was purchased by Mr. and
11 Mrs. De Silva, I understand, who live on the south
12 side of that property. And it is my understanding
13 that the De Silva's sold it to, I think, the
14 present owners. So there was most definitely a
15 residence on that.

16 CHAIRMAN LAWRENCE: I remember -- I pass it
17 going and coming, because I too live in that area.
18 And I remember seeing a trailer there for a long
19 time, way in the rear of the property. And I
20 never -- I could never remember seeing a house
21 there because it is so high when you pass it you
22 kind of don't look that way, or whatever. You
23 can't see up there.

24 MR. DORSETT: There was definitely a house
25 there, Mr. Lawrence.

1 BOARD MEMBER DR. WADE: The house was covered
2 with bushes. It was sitting up in the --

3 CHAIRMAN LAWRENCE: Okay, okay. Okay, you
4 never know. Thank you.

5 Any other objectors?

6 MS. BLAKE: Susan Blake, 11363 Southwest 165
7 Terrace. I moved here in 1980, and that property
8 did have a house on it, way back, it was overgrown
9 in the front, it was zoned agricultural. And
10 later it did, I believe after Andrew, have a
11 trailer. And then the property to the south the
12 owner brought that property and he put dogs or
13 whatever he had on that field. And, you know,
14 didn't really maintain it. But there was a house
15 on it.

16 But I too echo what everybody has said, and I
17 know that, you know, there's a retirement
18 community across to the west. And if two houses
19 were built when you only have one and a half lots,
20 I just think you should error on the side of one
21 lot per house. You know, you don't quite have the
22 two lots. And it would be a problem if they
23 exited to 112 versus exiting to 170.

24 When Greenwood Estates was built to the
25 north, they required, per the resident's request,

1 the houses that back up to the estate homes on the
2 170th Terrace, to also have 120 feet, which is the
3 EU-M type frontage. And he wants to do less than
4 that. He wants to go from 120 feet to 97. And
5 then you get into RU-1 single family type zoning.

6 So, I believe that it is too much for that
7 corner, because it is a corner lot, it is not a
8 dead end street where you have nothing behind it
9 or around it. It is right on heavily travelled
10 112 Avenue. Thank you.

11 CHAIRMAN LAWRENCE: Thank you.

12 Anyone else?

13 Okay, the applicant can now come forward and
14 speak again.

15 MR. BRIZUELA: I would like to address all
16 the comments made by the members of the community.

17 As I recall, there were essentially five
18 issues. The first was the size, the second --
19 excuse me, four issues -- the second was the
20 traffic, the third was the frontage, and the last
21 was the Section 8 housing.

22 First, I would like to address the size. The
23 County notes that the sizes of the houses in the
24 area, they range from 5,246, which is smaller than
25 the proposed lot sizes that we have right in front

1 of us. So, I mean the minimum size -- and then
2 the maximum size is 21,760 feet.

3 So, I don't understand where the information
4 is coming from. I don't even know how to respond
5 to it when the County says that the size of the
6 lots is smaller than the one that we are
7 presenting. We are presenting lot sizes of 15,462
8 feet and 15,601 feet. And this is well within the
9 requirement of EU-M, and the lot sizes are larger
10 than some of the houses that are already present
11 in the neighborhood.

12 I mean, the maximum size is half an acre.
13 And the lots that we are presenting, they are
14 larger than the smaller ones. I don't understand
15 how even to respond when the facts just say
16 something else.

17 The second issue was the traffic. I mean, I
18 think one of the members of the community also
19 addressed it. The difference between one house
20 and two is such a diminimus amount of traffic. If
21 we were trying to create a development here with
22 like an apartment complex, I think that would be a
23 legitimate complaint. But we are talking about
24 the difference between one house and another. I
25 don't really see traffic as being an issue.

1 If traffic is an issue in this instance, then
2 there is never an instance where it is not an
3 issue. This traffic, according to the County,
4 there would be 5:00 p.m. daily peak hours, and
5 this is okay with concurrency, and it would be
6 operating at LOS A, B and D. It is an acceptable
7 level of traffic.

8 MR. MURPHY: Three.

9 MR. BRIZUELA: I'm sorry?

10 MR. MURPHY: The memo has changed to three.

11 MR. BRIZUELA: I'm sorry, I have an older
12 version.

13 So, I frankly I don't even know how to
14 respond to that either because we are really
15 talking about such an insignificant difference
16 here. It is one house versus another. We are not
17 talking about an apartment complex here. It is
18 not like we going to be packing people into this
19 place. There is just going to be an additional
20 family living there trying to have a nice time in
21 the neighborhood. We are not talking about an
22 enormous amount of people.

23 Another member of the community addressed the
24 issue of frontage. And I can see that the
25 frontage is smaller than the 120 that is required

1 by the EU-M zoning. There really is no
2 alternative, and I'll show you. I'm operating on
3 the assumption that to build one house on this lot
4 would just -- it would be completely
5 disproportionate. As I mentioned earlier, the
6 County notes that the largest property in the
7 neighborhood is half an acre. The lot we have
8 here is larger than half an acre, it is .72 acres.
9 And they also -- the County also notes that if we
10 were to build two houses here, it would be an
11 anomaly. That is not the words they use, but I'm
12 paraphrasing.

13 Essentially if we had one house here --
14 excuse me, I'm operating under the assumption that
15 we can't build one house, so if we have to have
16 two houses, then there really is nowhere that
17 would comply with the frontage requirement,
18 because on this side I think we have 160 feet, and
19 on this side we have, I believe, 97.5 feet.

20 So, regardless of where we put the two lots,
21 it is always going to go against, you know, the
22 frontage requirement.

23 But as I mentioned earlier, the size of the
24 lots, the County notes this also, the size of the
25 lots, it falls within the EU-M category.

1 Consequently the size ameliorates the frontage
2 variance. Essentially if we have just one house
3 here, it is going to be -- it is going to look out
4 of place. The neighborhood is going to lose its
5 characteristic -- it will, I'm not making this up.
6 I'm reading straight out of a document I received
7 from the County. If we have one house here, the
8 largest house here is half an acre. I'm not --
9 I'm telling you, I got this information from the
10 County. This isn't --

11 CHAIRMAN LAWRENCE: You cannot have a
12 dialogue with the audience. They have had their
13 chance to speak.

14 MR. BRIZUELA: Okay, great.

15 To have two houses would be perfectly
16 compatible with the neighborhood. And if we have
17 two houses, they are going to fall within the
18 requirements of EU-M. And regardless of where we
19 put them, there is going to be a problem with the
20 frontage.

21 So essentially we have to pick, and we
22 think -- we think this side is the better side to
23 put the driveways on. They are going to be lovely
24 houses.

25 And the last issue, which I'm not really sure

1 how to address either, is the Section 8 housing
2 comment. I'm not sure I'm even required to
3 address that. I think it might be discriminatory
4 if we prevent these houses being built for fear of
5 having Section 8 housing. I'm not sure how to
6 respond to that.

7 I would be happy to entertain any more
8 questions. Thank you very much.

9 CHAIRMAN LAWRENCE: Thank you.

10 You are aware that the County is also
11 requesting denial of your request to build two
12 houses on the lot?

13 MR. BRIZUELA: Right.

14 I think, as I mentioned earlier, I'm not -- I
15 don't -- I'm an attorney, but I don't practice
16 Land Use, and I wasn't sure how to address that.
17 I called the County today, I was hoping that they
18 would explain that to me, and I wasn't able to get
19 a hold of them.

20 I mean, we are willing to comply with
21 whatever conditions the County provides to us.

22 CHAIRMAN LAWRENCE: They've also come to the
23 conclusion that two houses would be inconsistent
24 with what is around the lot.

25 MR. BRIZUELA: As I understand this document

1 that was sent to me, there are various standards
2 that someone who seeks a rezoning must meet in
3 order to have the rezoning; is that correct?

4 MR. MURPHY: The application that we have
5 before us with the request to EU-M and the
6 variances for lot frontage, the Department is
7 recommending approval. And they do find that the
8 request for two homes is consistent. But out of
9 the three standards for analysis, the other two
10 standards are what the County is recommending
11 denial, or rather it is not being approved under,
12 the ASDO and the non-use variance.

13 CHAIRMAN LAWRENCE: Request 2 says applicant
14 is requesting to permit two lots with frontage of
15 less than 120 feet required. Now, you're
16 recommending denial of Request 2; am I correct?

17 MR. MURPHY: I'm sorry, no, you're incorrect.

18 CHAIRMAN LAWRENCE: Okay.

19 MR. MURPHY: On page handwritten 8.

20 CHAIRMAN LAWRENCE: Okay, all right, I stand
21 corrected.

22 Denial without prejudice Request 2 under
23 Section 33.21. Okay, I understand now.

24 MR. BRIZUELA: Please pardon my understanding
25 also, it is very limited. Would you like to --

1 CHAIRMAN LAWRENCE: I've got it, I've got it.

2 MR. BRIZUELA: So, I mean, we are happy to
3 comply with whatever conditions the County wants
4 to impose on us. But, I mean, I think -- I think
5 the County speaks pretty well.

6 CHAIRMAN LAWRENCE: Okay, all right.
7 Are you finished?

8 MR. BRIZUELA: Yes.

9 CHAIRMAN LAWRENCE: Okay.

10 BOARD MEMBER BELL: Mr. Chairman.

11 CHAIRMAN LAWRENCE: Public hearing is closed.
12 Mr. Bell.

13 BOARD MEMBER BELL: Mr. Chairman, this area
14 is where I live in that area, a couple of miles
15 away. And I ride by this property every day, all
16 my life I rode by it. But to cut this up into two
17 lots when everything -- the house across the
18 street are on big lots, like this lot. From that
19 house down to the Food Spot store, are all big
20 huge lots with big huge houses. Two houses will
21 be out of character. I've looked at it since this
22 guy was here the last time, every time I ride past
23 that spot I look at it. But it's completely out
24 of character to put two houses on this property.

25 CHAIRMAN LAWRENCE: Okay.

1 BOARD MEMBER BELL: I'm prepared to vote
2 against it.

3 CHAIRMAN LAWRENCE: Any other comments?

4 As I stated before, I too live in the area
5 and I pass this lot going and coming. I just wish
6 you all had come out during the first hearing when
7 you got that first zoning notice, when this guy
8 wanted to actually put, I believe, four -- three
9 or four houses on this same lot, and nobody was
10 here. And we knew it was wrong, which is why we
11 sent him back to the drawing board. And, you
12 know, he is still coming back with something that
13 is not acceptable, in my opinion also.

14 Do you have anything to say?

15 If there are no other comments, Chair will
16 entertain a motion.

17 BOARD MEMBER BELL: Motion to deny the entire
18 application, with prejudice.

19 CHAIRMAN LAWRENCE: There's a motion on the
20 floor to deny this application with prejudice,
21 meaning he cannot come back with the same
22 application again.

23 BOARD MEMBER BLAKESLEE: For eighteen months.

24 CHAIRMAN LAWRENCE: For eighteen months.

25 BOARD MEMBER DR. WADE: I'll second it.

1 CHAIRMAN LAWRENCE: It has been seconded.
2 Vote.

3 MR. SALVAT: I have a motion for denial with
4 prejudice.

5 Mr. Bell?

6 BOARD MEMBER BELL: Yes.

7 MR. SALVAT: Madam Vice Chair Blakeslee?

8 BOARD MEMBER BLAKESLEE: Yes.

9 MR. SALVAT: Dr. Wade?

10 BOARD MEMBER DR. WADE: Yes.

11 MR. SALVAT: Chairman Lawrence?

12 CHAIRMAN LAWRENCE: Yes.

13 MR. SALVAT: Motion passes 4-0.

14 CHAIRMAN LAWRENCE: All right. Application
15 is denied.

16 BOARD MEMBER DR. WADE: I just want to make a
17 comment, follow up on something that the Chair
18 said.

19 You know, it is very difficult for us when
20 the neighbors don't turn out on an application,
21 the applicant goes back and re-works the
22 application, and then the neighbors come back and
23 now object to that.

24 So, I think when you get zoning notice the
25 first go-around, you really should make every

1 attempt to be here because, you know, it puts the
2 burden on everybody.

3 BOARD MEMBER BELL: Did they get the first
4 notice?

5 UNIDENTIFIED SPEAKER: The only notice we
6 received was for the change of use from
7 agriculture to --

8 CHAIRMAN LAWRENCE: I live in the area and I
9 received a notice also for the previous
10 application. Did you receive a notice?

11 BOARD MEMBER BELL: Uh-huh (negative
12 response).

13 CHAIRMAN LAWRENCE: I received one. And he
14 was asking for -- it was either three or four --
15 three houses. It was three houses at the time.

16 BOARD MEMBER BELL: The only notice I had was
17 there was a sign on the corner, sitting up on the
18 hill.

19 CHAIRMAN LAWRENCE: Nobody was here to speak
20 against it but Ms. Susan Blake. I believe she was
21 here.

22 UNIDENTIFIED SPEAKER: I just believe the
23 notice said agriculture to EU-M. A lot of people
24 accepted that. So then the details didn't come
25 into play until --

1 BOARD MEMBER DR. WADE: But if they had been
2 at the first meeting they would have known the
3 details.

4 MS. MACDONALD: I think the Board has taken
5 final action on the item.

6 CHAIRMAN LAWRENCE: Will you step up to the
7 mick and give your name and address, please.

8 MR. BRIZUELA: Miguel Brizuela, I'm the owner
9 of the lot.

10 Just one question, for fairness, okay. We
11 did everything according to what you told us the
12 last hearing. I accept the conclusion, you know,
13 it is fair, it is what the neighborhood wants.
14 But we did everything that you requested from us,
15 you know. We went through a lot of expense again,
16 you know, and now you turn us down with prejudice.
17 That is something that I really don't understand
18 why, you know. And I think it is unfair because
19 we tried to do everything according to what you
20 told us, and now you tell us we are denied with
21 prejudice. That I don't agree. With the
22 neighbors, it's their neighborhood and I respect
23 that. But what you did right now, I really --

24 CHAIRMAN LAWRENCE: You know, I understand
25 exactly where you're coming from. But as I stated

1 before, the neighbors were not here before. Had
2 they been here before and sided --

3 MR. BRIZUELA: But why did you deny with
4 prejudice? That's what I don't understand. Now
5 you are -- now I'm going to have to wait 18 months
6 to do this, you know, when I thought I was
7 following what you wanted.

8 CHAIRMAN LAWRENCE: When he denied with
9 prejudice, as I understand it, what it means that
10 you cannot come back with that same application.
11 You can go ahead and build one house there, unless
12 you come back for some type of variance or
13 something; am I correct?

14 MR. MURPHY: He would have to come back to
15 put one house if he were not to rezone it for the
16 agricultural lot is under five acres.

17 CHAIRMAN LAWRENCE: He would have to come
18 back?

19 MR. MURPHY: Correct.

20 CHAIRMAN LAWRENCE: That was not my intent
21 when I voted. Would you straighten it out,
22 please?

23 BOARD MEMBER BELL: If we just deny, he can
24 just come back with one house?

25 MS. MACDONALD: Prior to doing anything, you

1 would want someone from the prevailing side, which
2 is fortunately all of you, can move for
3 reconsideration of the action that you've just
4 taken, since we haven't recessed you can do that.
5 So if someone would want to move for
6 reconsideration. If that motion is adopted by the
7 Board, then the action that you just took would be
8 kind of wiped clean, and then you are free to act
9 from there forward. You could take up one of the
10 requests, can take up just the first request and
11 not the second, you can deny the application in
12 its entirety without prejudice, you can kind of --
13 it is like you get to start about ten minutes ago.

14 MR. BRIZUELA: I would appreciate that
15 because --

16 CHAIRMAN LAWRENCE: Excuse me.

17 Mr. Bell, would you move to reconsider your
18 motion?

19 BOARD MEMBER BELL: I'll rescind my motion
20 and reconstruct.

21 CHAIRMAN LAWRENCE: We have to take a vote on
22 the reconsideration.

23 BOARD MEMBER BELL: I'll rescind my motion.

24 MS. MACDONALD: Are you moving to reconsider?

25 BOARD MEMBER BELL: Move to reconsider.

1 CHAIRMAN LAWRENCE: I need a second on his
2 motion to reconsider.

3 BOARD MEMBER DR. WADE: I will second.

4 CHAIRMAN LAWRENCE: It's been moved and
5 seconded that this item be reconsidered.

6 I guess the public hearing will be open
7 again?

8 MS. MACDONALD: You recall --

9 MR. SALVAT: You need to take a vote on the
10 motion.

11 Those in favor to reconsider say aye, please.

12 (Thereupon, all Board Members present
13 responded aye.)

14 CHAIRMAN LAWRENCE: The floor is now open for
15 another motion.

16 Mr. Bell?

17 BOARD MEMBER BELL: My motion is to approve
18 the application with one house.

19 CHAIRMAN LAWRENCE: No. What you would have
20 to do --

21 BOARD MEMBER BELL: Deny with no prejudice.

22 CHAIRMAN LAWRENCE: Hold on, hold on.

23 No. What you need to do is approval of
24 Request 1, denial of Request 2.

25 BOARD MEMBER DR. WADE: That's right.

1 BOARD MEMBER BELL: Okay, that's it.

2 Approval of Request 1, AU to EU-M, and deny 2
3 in its entirety.

4 CHAIRMAN LAWRENCE: Okay.

5 MR. SALVAT: If I may. Would that be with or
6 without prejudice on Item 2?

7 BOARD MEMBER BELL: Without.

8 MR. SALVAT: Do I have a second?

9 BOARD MEMBER BLAKESLEE: I'll second it.

10 CHAIRMAN LAWRENCE: Okay.

11 We have a new motion on the floor to approve
12 Requests 1, which is from agriculture to EU-M, and
13 denial of Request 2, which is the lot splitage.
14 All right. Vote.

15 MR. SALVAT: The motion is to approve Request
16 1 and to deny Request No. 2.

17 Mr. Bell?

18 BOARD MEMBER BELL: Yes.

19 MR. SALVAT: Madam Vice Chair Blakeslee?

20 BOARD MEMBER BLAKESLEE: Yes.

21 MR. SALVAT: Dr. Wade?

22 BOARD MEMBER DR. WADE: Yes.

23 MR. SALVAT: Chairman Lawrence?

24 CHAIRMAN LAWRENCE: Yes.

25 MR. SALVAT: Motion passes 4-0.

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MR. BRIZUELA: Thank you very much.

CHAIRMAN LAWRENCE: I apologize.

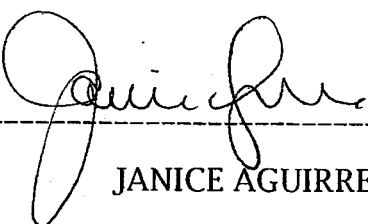
CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF DADE

I, Janice Aguirre, Registered Professional
Reporter, Notary Public, State of Florida, certify that the
following witnesses personally appeared before me on June
19, 2007 and were duly sworn.

WITNESS my hand and official seal this 15th
day of July, 2007.


A handwritten signature in cursive script, appearing to read 'Janice Aguirre', is written over a horizontal dashed line.

JANICE AGUIRRE

Registered Professional Reporter

Notary Public, State of Florida

CERTIFICATE OF REPORTER

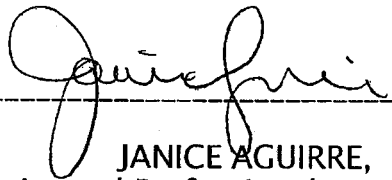
STATE OF FLORIDA)

COUNTY OF DADE)

I, JANICE AGUIRRE, Registered Professional
Reporter, do hereby certify that I was authorized to and did
stenographically report the CZAB PROCEEDINGS of June 19,
2007; that a review of the transcript WAS requested; and
that the foregoing transcript, pages 1 through 33, is a true
record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative,
employee, or attorney, or counsel of any of the parties; nor
am I a relative or employee of any of the parties' attorney
or counsel connected with the action, nor am I financially
interested in the action.

DATED this 15th day of July, 2007 at Miami, Dade
County, Florida.



JANICE AGUIRRE,
Registered Professional Reporter

VOLUME 9

C. MIGUEL A. BRIZUELA
(Applicant)

07-4-CZ14-1 (05-285)
Area 14/District 9
Hearing Date: 6/19/07

Property Owner (if different from applicant) Same.

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

①

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

APPLICANT'S NAME: MIGUEL A. BRIZUELA

1

REPRESENTATIVE: MIGUEL A. BRIZUELA & SON BRIZUELA JR. (attorney)

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
07-4-CZ14-1 (05-285)	APRIL 18, 2007	CZAB14		07

REQ: AU to RU-1.

REC: DWOP

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>JUNE 19, 2007</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> TO BE READVERTISED AS EU-M PER APPLICANT'S REQUEST. MAY REQUIRE VARIANCES AS EU-M PARCELS.		

TITLE	M/S	NAME	YES	NO	ABSENT
MR.	M	Wilbur B. BELL	X		
MADAME VICE-CHAIR	S	Dawn Lee BLAKESLEE	X		
MS.		Rose L. EVANS-COLEMAN			X
DR.		Pat WADE	X		
CHAIRMAN		Curtis LAWRENCE (C.A.)	X		
VOTE:			4	0	

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: LEIGH MACDONALD

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANT: Miguel A. Brizuela

PH: Z05-285 (07-4-CZ14-1)

SECTION: 31-55-40

DATE: June 19, 2007

COMMISSION DISTRICT: 9

ITEM NO.: C

A. INTRODUCTION

o **REQUESTS:**

(1) AU to EU-M

(2) Applicant is requesting to permit 2 lots with a frontage of 97.51' (120 required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under Section 33-311(A)(14) (Alternative Site Development Option for Single Family or Duplex Dwellings) or under Section 33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Waiver of Plat", as prepared by Jose Diaz, consisting of 1 sheet, dated stamped received 05-08-07. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is requesting to change the zoning on the property from AU, Agricultural District, to EU-M, Single-family Modified Estate District. An additional request to permit 2 lots with less frontage than required is also being sought.

o **LOCATION:**

The southeast corner of SW 112 Avenue and SW 170 Terrace, Miami-Dade County, Florida.

o **SIZE:** 0.72 Acre

o **IMPACT:**

The approval of the requested district boundary change would allow the applicant to provide additional housing units for the community. The rezoning of this 0.72-acre site will have an impact on the schools, water and sewer services, and traffic in the area. Additionally, approving 2 lots with less frontage than required could visually impact the surrounding area.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The

residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded

2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

AU; Vacant property

Low Density Residential, 2.5 to 6 du/a

Surrounding Properties:

NORTH: EU-M; Single-family residences Low Density Residential, 2.5 to 6 du/a

SOUTH: EU-M; Single-family residences Low Density Residential, 2.5 to 6 du/a

EAST: EU-M; Single-family residence Low Density Residential, 2.5 to 6 du/a

WEST: RU-3; Condominiums Low Density Residential, 2.5 to 6 du/a

The subject property is located on the southeast corner of SW 112 Avenue and SW 170 Terrace. The area to the north, south and east is developed with single-family residences, a condominium development is located to the across SW 112 Avenue to the west of the subject property. The 0.72-acre parcel is located over four (4) miles east of and inside the Urban Development Boundary (UDB).

E. SITE AND BUILDINGS:

Site Plan Review:

(Subdivision plan submitted.)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

N/A

Compatibility:

Acceptable

Landscape Treatment:

N/A

Open Space:

N/A

Buffering:

N/A

Access:

Acceptable

Parking Layout/Circulation:

N/A

Visibility/Visual Screening:

N/A

Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No comment
MDT	No comment
Fire Rescue	No objection
Police	No objection
Schools	2 students

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

This item was deferred from the April 18, 2007, meeting to allow time for the re-advertisement of the applicant's revised zoning requests. The applicant originally requested a district boundary change from AU, Agricultural District, to RU-1, Single-Family Residential District, but following the applicant revised the request in line with the Department of Planning and Zoning's initial recommendation in which we had recommended denial without prejudice of the requested rezoning to RU-1 and suggested that the applicant request EU-M, Modified Estates Residential District. On April 20, 2007, the applicant submitted a revised Letter of Intent indicating the revised request to change the zoning on the property from AU to EU-M and added a request to permit 2 proposed lots with lesser frontage than required. The applicant has submitted a revised subdivision site plan dated stamped received May 8, 2007, demonstrating the planned configuration of the 0.72-acre site into two (2) EU-M zoned lots (request #1), both with frontages of 97.51' (request #2). The plan illustrates that both lots have been configured to front on SW 170 Terrace. The EU-M zoning district requires lots to be developed with a minimum lot area of 15,000 sq. ft. net, with a minimum lot frontage of 120' and a minimum lot depth of 115'. Staff notes that due to the exceptional depth of 160.02' of the subject property, both proposed EU-M lots comply with the required EU-M regulation pertaining to lot area. The proposed eastern lot is to have a lot area of 15,601 sq. ft., while the proposed western lot is to have a lot area of 15,462 sq. ft. The 0.72-acre subject property is a vacant parcel of land located on the southeast corner of SW 112 Avenue and SW 170 Terrace. The properties to the north, south and east are zoned EU-M, and developed with single-family residences on parcels of land with lot areas ranging in size from 15,246 sq. ft. (0.35 acre) to 21,760 (0.5 acre). As such, the applicant's proposed lots of 15,601 sq. ft. and 15,462 sq. ft. would not be out of scale with the neighboring properties. The properties to the west are zoned RU-3, Four Unit Apartment House District, and developed as one-story apartments. The property is located over four (4) miles to the east of and inside the Urban Development Boundary (UDB) line, and approximately one-quarter mile to the east of the Homestead Extension of the Florida Turnpike (HEFT).

The Department of Environmental Resources Management (DERM) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. They have indicated that since the subject property contains a grove, a Miami-Dade County tree removal permit will be required prior to the removal or relocation of any trees. Further, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The Public Works Department (PWD) has **no objections** to this application. They have indicated that road dedications and improvements will be accomplished through the recording of a plat. According to their memorandum, this application meets traffic concurrency criteria and will generate an additional 3 PM daily peak hour **vehicle trips**. Their memorandum further indicates that the distribution of these trips to the adjacent roadways does not exceed the acceptable levels of service (LOS) of the roadways, which are currently operating at LOS "A", "B" and "D". Miami-Dade County Public Schools (MDCPS) has indicated that the proposed zoning will bring 2 additional **students** into the area's public schools. They indicate that Pine Lake Elementary, Richmond Heights Middle and Miami Southridge Senior High School are the schools that will be affected by this development, which are currently operating at 89%, 115% and 138% of FISH (Florida Inventory of School Houses) utilization, respectively. MDCPS and the applicant have held a dialogue and the applicant has voluntarily proffered a Declaration of Restrictions to the School Board in order to provide a monetary donation over and above impact fees.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 units per acre, for a minimum of one (1) to a maximum of four (4) units on the 0.72-acre subject property. Therefore, the applicant's proposal of two (2) residential lots is within the numerical threshold allowed under the LUP map density designation, and is **consistent** with the LUP map's Low Density Residential designation of the CDMP. Further, staff is of the opinion that the proposed zone change to EU-M is **compatible** with the existing EU-M zoned single-family residences immediately adjacent to the subject property to the north, south and east.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the proposed EU-M zoning would be consistent with the **Low Density Residential** LUP map designation of the CDMP and the proposed lots would be compatible with the scale of the neighboring lot sizes to the east, north and south of the subject property currently developed with single-family residences on EU-M zoned parcels of land. The two neighboring properties to the north contain 16,770 sq. ft. and 15,480 sq. ft. of lot area. The abutting property to the east contains 19,200 sq. ft. of lot area and the two abutting properties to the south contain 21,760 sq. ft. and 21,120 sq. ft. of lot area. The requested EU-M zoning would allow the development of lots with a minimum net lot area of 15,000 square feet net. Staff opines that the previously requested RU-1 zoning would have been incompatible with the surrounding area, but opines that a rezoning of the subject property to EU-M as proposed in request #1 would be **compatible** with the surrounding properties and **consistent** with the LUP map designation of the CDMP, and the numerical threshold for density permitted therein. When considering district boundary changes, the Board shall also consider if the proposed development will have a favorable or unfavorable impact on public services and the environment. Staff notes that, as indicated by the memorandum submitted by DERM, the proposed development will not have an unfavorable impact on public services or on the environment. Additionally, when considering zone changes, the Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County; staff opines that the proposed zoning would not have an unfavorable impact on the economy and would provide an opportunity to address housing needs within Miami-Dade County. Moreover, the proposed development does not unduly burden or affect public transportation facilities as indicated in the Public Works Department's memorandum submitted for this application. The surrounding area is zoned EU-M to the north, south and east and developed with single-family residences on parcels which comply with the requirement of the EU-M zoning district to have a minimum of 15,000 sq. ft. in area. The applicant's request to rezone the subject property from AU to EU-M with the accompanying non-use variance request would permit parcels as shown on the submitted plan with minimum lot areas of 15,500 sq. ft. As previously mentioned, the applicant has submitted a revised land division plan indicating the intent to subdivide the 0.72-acre parcel into two buildable residential lots with less lot frontage than required. The proposal indicates that the two smaller lots with 0.35 net acres (15,462.7 sq. ft.) and 0.36 net acres (15,601.7 sq. ft.) will front on SW 170 Terrace. As previously mentioned, the surrounding area is predominantly zoned EU-M. In 1970, 15 acres of land that surround the subject property to the north, south and east were approved for a district boundary change from AU to EU-M, pursuant to Resolution No. Z-126-70. The subject property was not included in said application and, therefore, became a remnant AU-zoned parcel surrounded on three sides by EU-M zoned residential lots. Additionally, in 1965, the Board of County Commissioners (BCC) approved an application that sought to rezone an 82-acre site from AU to RU-1 and RU-3 for a residential development, pursuant to Resolution

No. Z-183-65, which is the neighboring RU-3 development on the west side of SW 112 Avenue.

In staff's opinion, the initially requested RU-1 zoning would not be compatible with the predominant EU-M zoning in the area east of SW 112 Avenue and would allow development to occur on parcels approximately half the size of the neighboring properties that abut the subject property to the north, south and east. However, the revised request to rezone the property to EU-M as currently advertised would, in staff's opinion, conclude a logical zoning for a property that was originally excluded from a 15-acre area rezoned to EU-M and would remove a remnant AU-zoned property which is no longer compatible with the surrounding established residential area. The rezoning to EU-M of the 0.72-acre parcel will contribute towards creating a harmonious zoning enclave, and establishing SW 112 Avenue as a clear line of demarcation between the existing higher density, RU-3 zoned land and the lower density EU-M zoning. The proposed two residential lots would be in scale with the area that is characterized with parcels of land with lot areas ranging in area from 15,480 sq. ft. to 21,760 sq. ft. Based on all of the aforementioned, staff is of the opinion that the request for a zone change to EU-M is **compatible** with the area.

When analyzing request #2, to permit 2 lots with a frontage of 97.51' (120' required), under the Non-Use Variance Standards, Section 33-311(A)(4)(b), staff is of the opinion that the request would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. As previously mentioned, staff is supportive of the requested district boundary change to EU-M. The rezoning, if approved, would leave the applicant with a site that contains 30,492 sq. ft. in area with a lot depth of 160.02' and a lot frontage of 195.02'. The EU-M zoning district mandates that EU-M lots have, at a minimum, a lot area of 15,000 sq. ft, a lot depth of 115' and a lot frontage of 120'. The neighboring EU-M properties were platted in 1970 as the Green Hills Estates Subdivision (PB: 89-70) and contain lots with frontages that range from a minimum of 120' to a maximum of approximately 138'. As such, staff opines that the development of the 0.72-acre site with one single-family residence would be out of scale with the neighboring properties as the 0.72-acre subject property would be greatly larger than the adjacent EU-M zoned properties. Although the properties located on the block to the north of the subject property, also fronting SW 170 Terrace, were platted with the minimum lot frontage of 120', in staff's opinion, approval of two lots with the substandard-sized frontage of 97.51' would not detrimentally impact the surrounding residential area. Staff opines that although the requested frontages are 81.25% of the required amount, the visual impact will be mitigated by the proposed standard-sized lots that meet the lot area and lot depth requirements of the EU-M zoning district. As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV).

When analyzing request #2 under the Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), staff notes that the ASDO Standards provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis of the request under the ASDO Standards. As such, the request cannot be approved under same and, therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(14) (ASDO).

When analyzing request #2 under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would be required to prove that the request is due to unnecessary hardship and that, should the request not be granted, such denial would not

permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the EU-M zoning regulations. Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

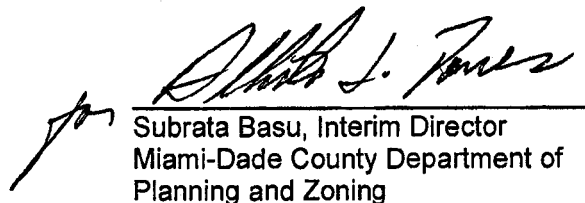
Accordingly, staff notes that the proposed rezoning of the subject property to EU-M (request #1) is **consistent** with the LUP map Low Density Residential designation of the CDMP, and, in staff's opinion, approval of the district boundary change and the accompanying non-use variance request are **compatible** with the surrounding area. Therefore, staff recommends approval of the zone change and approval with conditions of request #2.

I. **RECOMMENDATION:** Approval of the zone change to EU-M (request #1) and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV); and denial without prejudice of request #2 under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

J. **CONDITIONS:** The following conditions pertain to request #2:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Waiver of Plat", as prepared by Jose Diaz, consisting of 1 sheet, dated stamped received 05-08-07. Except as may be specified by any zoning resolution applicable to the subject property, any development on the property which conforms to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.

DATE INSPECTED: 04/07/06
DATE TYPED: 07/05/06
DATE REVISED: 07/06/06; 01/19/07; 03/08/07; 03/21/07; 04/10/07; 05/08/07; 05/17/07;
06/06/07
DATE FINALIZED: 06/06/07
SB:AJT:MTF:LVT:JGM


Subrata Basu, Interim Director
Miami-Dade County Department of
Planning and Zoning

Memorandum



Date: October 11, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

A handwritten signature in dark ink, appearing to read "Jose Gonzalez", written over the printed name and title.

Subject: C-14 #Z2005000285
Miguel A. Brizuela
SW corner of SW 112th Avenue and SW 170th Terrace
District Boundary Change from AU to RU-1
(AU) (.72 Ac.)
31-55-40

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Supply and Wastewater Disposal:

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year/1-day storm event. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History:

DERM has reviewed the permits and enforcement database and the enforcement case tracking system and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

REVISION 1
PH# Z2005000285
CZAB - C14

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MIGUEL A. BRIZUELA

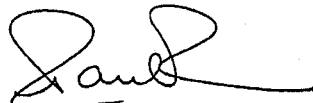
This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 3 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-56	SW 152 St. e/o SW 112 Ave.	B	B
9728	SW 107 Ave. s/o SW 160 St.	D	D
9876	SW 184 St. w/o SW 117 Ave.	A	A

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

22-MAY-07



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Chief Facilities Officer
Jaime G. Torrens

Planning Officer
Ana Rijo-Conde, AICP

March 19, 2007

Miami-Dade County School Board

Agustin J. Barrera, Chair
Dr. Martin Karp, Vice Chair
Renier Diaz de la Portilla
Evelyn Langlieb Greer
Perla Tabares Hantman
Dr. Robert B. Ingram
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

Ms. Maria Teresa Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

RECEIVED
MAR 23 2007

ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING

BY _____

Re: No. 05-285 Miguel Brizuela
Southwest Corner of SW 112 Avenue and SW 170 Terrace

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities, Homestead Middle School and South Dade Senior High School, meet the referenced review threshold (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant to discuss the impact of the proposed development on public schools. **The District is grateful that the applicant took the time to discuss with the School District possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application.**

As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Maria Teresa Fojo
March 19, 2007
Page 2

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis, as well as a report depicting previously approved applications in the area.

Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

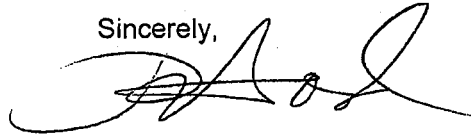
New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 2,000 square feet, the 3-unit development is estimated to generate approximately \$7,200 (\$2,400 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

In accordance with the Agreement, this letter and attached information should not be construed as commentary on the merits of the pending zoning application. Rather it is an attempt to provide relevant information to the Community Council on public schools that will likely serve the proposed development and meet the referenced threshold.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,



Patricia Good
Coordinator III

PG:rr
L-447
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-285, Miguel A. Brizuela (CC14)
REQUEST: Zone change from AU to RU-1
ACRES: .72 acres
LOCATIONS: Southwest Corner of SW 112 Avenue and SW 170 Terrace
**MSA/
MULTIPLIER:** 5.8/.72
**NUMBER OF
UNITS:** 3 single-family units
**ESTIMATED
STUDENT
POPULATION:** 2 students*
ELEMENTARY: 1
MIDDLE: -
SENIOR: 1

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Pine Lake Elementary - 16700 SW 109 Ave.
MIDDLE: Richmond Heights Middle – 15015 SW 103 Ave.
SENIOR HIGH: Miami Southridge Senior -19355 SW 114 Avenue

All schools are located in Regional Center VI

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of September 2006:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE	
Pine Lake Elementary	567	638	89%	18	86%	
	568 *		89%		87%	
Richmond Heights Middle	1,318	1,145	115%	158	101%	
	*					
Miami Southridge Senior	3,682	2,662	138%	190	129%	
	3,683 *		138%		129%	

* increased student population as a result of the proposed development.

Notes:

1. Figures above reflect the impact of the class size amendment.
2. Pursuant to the Interlocal Agreement, the senior high school meets the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006:

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
Jorge Mas Canosa Middle/ State School "YY1" (Redland, Hammocks, Ammons and Richmond Heights Middle School Relief) (2232 student stations)	Construction	School Opening 2007
K-8 Conversion at F. C. Martin Elementary School (Richmond Heights Middle School Relief) (675 student stations)	Construction	School Opening 2007

Estimated Permanent Elementary Seats (Current and Proposed in 5Year Plan)	638
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	405
Estimated Permanent Senior High seats (Current and Proposed in 5-Year Plan)	2662

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$13,098.

CAPITAL COSTS: Based on the State's December-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	Does not meet the threshold
MIDDLE	Not impacted by proposed development
SENIOR	$1 \times \$ 21,139 = \$ 21,139$

* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
ELEMENTARY SCHOOLS (K-5 – unless otherwise noted)					
0510	Archimedean Academy 12425 SW 72 St. Miami, FL 33183 www.archimedean.org	Ms. Pat Booth pbooth@dadeschools.net	305 640-6278/79/80/81 305 675-8448 Fax 702 993-1328 Fax <i>Electronic</i>	VI	8
4060	<i>Opened August 2006</i> Cooperative Charter School 1743-51 NW 54 St. Miami, FL 33161 http://www.cooperativeschools.org	Dr. John Johnson johnsonj@dadeschools.net	305 693-2541 305 693-2543 Fax	III	2
3030	Doral Academy 2450 NW 97 Ave. Doral, FL 33172 http://doralacademy.dadeschools.net	Ms. Ileana Gomez ileanagomez@dadeschools.net	305 597-9999 305 591-2669 Fax	III	5
3600	<i>Grades K-6</i> Downtown Miami Charter School 305 NW 3 Ave. Miami, FL 33128 http://www.downtowncharter.org	Mr. Paul Thompson paulthompson@dadeschools.net	305 579-2112 305 579-2115 Fax	IV	6
4070	Early Beginnings Academy – Civic Center 1411 NW 14 Ave. Miami, Florida 33125 <i>Pre-K and Kindergarten for Special Education only</i>	Ms. Leigh Kapps 926215@dadeschools.net	305 325-1080 305 325-1044 Fax	IV	5
4080	Early Beginnings Academy – North Shore 985 NW 91 St. Miami, FL 33150 <i>Pre-K and Kindergarten for Special Education only</i>	Ms. Carol Byrd 926121@dadeschools.net	Temporary: 305 835-9006 305 696-1688 Fax	III	2
0302	<i>Opened August 2006</i> EXcel Academy Charter School 6001 NW 8 Ave. Miami, FL 33127	Mr. Ralph Brantley rbrantley@dadeschools.net	305 751-6770 305 751-6771 Fax	III	2
0100	Mater Academy 7700 NW 98 St. Hialeah Gardens, FL 33016 http://materacademy.dadeschools.net	Ms. Kim Guilarte kimguilarte@dadeschools.net	305 698-9900 305 698-3822 Fax	I	4
3100	Mater Academy East Charter School 450 SW 4 St. Miami, FL 33130 http://materacademyeast.dadeschools.net	Ms. Beatriz Riera briera@dadeschools.net	305 324-4667 305 324-6580 Fax	IV	6

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
0312	<i>Opened August 2006</i> Mater Gardens Academy 9010 NW 178 Ln. Miami Gardens, FL 33018 http://matergardens.dadeschools.net	Ms. Lourdes Isla-Marrero lmarrero@dadeschools.net	305 512-9775 305 512-3708 Fax	I	4
4000	Miami Children's Museum Charter School 980 McArthur Causeway Miami, FL 33132 http://mcmcharter.dadeschools.net	Ms. Maria Mongeotti-Greer mongeotti-greer@dadeschools.net	305 329-3758 305 329-3767 Fax	II	3
0102	Grades K-6 Miami Community Charter School 101 SW Redland Rd. Florida City, FL 33034	Ms. Jila Rezaie jrezaie@dadeschools.net	305 245-2552 305 245-2527	VI	9
5010	Oxford Academy of Miami 10870 SW 113 Pl Miami, FL 33176	Dr. Pauline A. Young PaulineAYoung@dadeschools.net	305 598-4494 305 598-4475 Fax	V	7
0342	<i>Opened August 2006</i> Pinecrest Academy (South Campus) 15130 SW 80 St. Miami, FL 33193	Ms. Victoria Larrauri ylarrauri@dadeschools.net	305 386-0800 305 386-6298 Fax	VI	7
0600	Pinecrest Preparatory Academy 14301 SW 42 St. Miami, FL 33175 http://Pinecrestpreparatoryacademy.dadeschools.net	Ms. Susie Dopico sdopico@dadeschools.net	Main: 305 207-1027 305 207-1897 Fax	V	8
0400	Renaissance Elementary Charter School 8360 NW 33 St. Miami, FL 33122 http://www.recscharter.org	Ms. Ana Cordal acordal@dadeschools.net	305 591-2225 305 591-2984 Fax	III	5
5710	Sandor Wiener School of Opportunity 20000 NW 47 Ave., Bldg. 7 Miami, FL 33055 Mailing address: P.O. Box 173470 Hialeah, FL 33017-3470 Special Education only	Ms. Jeanine del Valle Jdelvalle1@dadeschools.net	305 623-9631 305 623-9621 Fax	I	1
5030	Sandor Wiener School of Opportunity, South 11025 SW 84 St., Bldg. 5 Miami, FL 33173 Special Education only	Ms. Lissa Gonzalez lgonzalez1@dadeschools.net	305 279-3064 305 279-3294 Fax	V	7
0520	Somerset Academy 18491 SW 134 Ave. Miami, FL 33177 http://somersetelem.dadeschools.net	Ms. Suzette Ruiz sruiz0520@dadeschools.net	305 969-6074 305 969-6077 Fax	VI	7

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
MIDDLE SCHOOLS (6-8)					
6006	Archimedean Middle Conservatory 12425 SW 72 St. Miami, FL 33183 www.archimedean.org	Ms. Vasiliki Moysidis vmoysidis@dadeschools.net	305 640-6278/79/80/81 305 675-8448 Fax 702 993-1328 Fax <i>Electronic</i>	VI	8
6070	ASPIRA Eugenio Maria de Hostos Youth Leadership Charter School One NE 19 St. Miami, FL 33132 http://fl.aspira.org/Wynwood/Charter/emh_charter.htm	Mr. Fernando Lopez flopez@dadeschools.net	305 576-1512 305 576-0810 Fax	IV	2
6060	ASPIRA South Youth Leadership Charter School 14112-14114 SW 288 St. Leisure City, FL 33033 http://fl.aspira.org/South/Charter/south_charter.htm	Dr. Monica Starke mstarke@dadeschools.net	305 246-1111 305 246-1433 Fax	VI	9
6020	ASPIRA Youth Leadership Charter School 13300 Memorial Hwy. North Miami, FL 33161 http://fl.aspira.org/North/Charter/north_charter.htm	Ms. Iliana Peña idpena@dadeschools.net	305 893-8050 305 891-6055 Fax	II	1
6030	Doral Academy Charter Middle School 2601 NW 112 Ave. Doral, FL 33172 http://dachs.dadeschools.net/	Ms. Ofelia Alvarez Ofealvarez4@dadeschools.net	305 591-0020 305 591-9251 Fax	III	5
6010	Florida International Academy 7630 Biscayne Blvd. Miami, FL 33138	Ms. Sonia Mitchell smitchell@dadeschools.net	305 758-6912 305 758-6985 Fax	IV	2
6008	Lawrence Academy 777 West Palm Dr. Florida City, FL 33034	Dr. Keitha Burnett 926286@dadeschools.net	305 247-4800 305 247-4895 Fax	VI	9
6012	Mater Academy Charter Middle School 7901 NW 103 St. Hialeah Gardens, FL 33016 http://materacademyhigh.dadeschools.net	Mr. Kenneth Feria kferia@dadeschools.net	305 828-1886 305 828-6175 Fax	I	4
6033	<i>Opened August 2006</i> Mater Academy Lakes Middle School 5875 NW 163 St. Miami Lakes, FL 33014 <i>Temporary location for 2006-2007:</i> 9010 NW 178 Ln. Miami Gardens, FL 33018	Ms. Jennifer Share jshare@dadeschools.net	Temporary: 305 512-9775 305 512-3708 Fax	I	4

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CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
6042	<i>Opened August 2006</i> Mater Gardens Academy Middle School 9010 NW 178 Ln. Miami Gardens, FL 33018	Ms. Cecilia Telleria cberneosolo@dadeschools.net	305 512-9775 305 512-3708 Fax	I	4
6022	Pinecrest Academy Charter Middle School 14301 SW 42 St. Miami, FL 33175 http://Pinecrestpreparatoryacademy.dadeschools.net	Ms. Maria Beatriz Nunez mbnunez@dadeschools.net	Main: 305 207-1027 305 207-1897 Fax	V	8
	<i>Kendall Greens campus:</i> 15130 SW 80 St. Miami, FL 33193		Kendall Greens: 305 386-0800 305 386-6298 Fax	VI	7
6028	Renaissance Middle Charter School 8360 NW 33 St. Miami, FL 33122 http://www.recscharter.org	Ms. Ana Cordal acordal@dadeschools.net	305 591-2225 305 591-2984 Fax	III	5
6004	Somerset Academy Charter Middle School 18491 SW 134 Ave. Miami, FL 33177	Ms. Sandra Grau sgrau@dadeschools.net	305 969-6074 305 969-6077 Fax	VI	7
6029	Spirit City Academy 285 NW 199 St. Miami Gardens, FL 33169 <i>Special Education only</i>	Ms. Cecilia Honeywood cahoneywood@dadeschools.net	305 614-0451 305 652-7377 Fax	II	1
K-8 CENTERS					
0950	Aventura City of Excellence Charter School 3333 NE 188 St. Aventura, FL 33180 http://www.aventuracharter.org	Dr. Katherine Murphy kmurphy@dadeschools.net	305 466-1499 305 466-1339 Fax	II	3
0113	Balere Language Academy 10600 Caribbean Blvd. Miami, FL 33189 http://www.balere.org/version2/academy/index.php	Ms. Rocka Malik rmalik@dadeschools.net	305 232-9797 305 232-4535 Fax	VI	9
0070	Coral Reef Montessori Academy Charter School 10853 SW 216 St. Miami, FL 33170 http://coralreefmontessori.dadeschools.net	Ms. Juliet King juking@dadeschools.net Ms. Lucy Canzoneri-Golden canzoneri-golden@dadeschools.net	305 255-0064 305 255-4085 Fax	VI	9
2060	The Theodore R. and Thelma A. Gibson Charter School <i>Temporary location:</i> 450 SW 4 St. Miami, FL 33130 http://gibsoncharter.dadeschools.net	Mr. Charles Bethel cgbethel@dadeschools.net	305 324-1335 305 324-1343 Fax	IV	6

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CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
3610	Keys Gate Charter School 2000 SE 28 Ave. Homestead, FL 33035 http://www.keyscharter.org	Ms. Robin Sandler rsandler@dadeschools.net	305 230-1616 305 230-1347 Fax	VI	9
0040	Liberty City Charter School 8700 NW 5 Ave. Miami, FL 33150 http://www.lccschool.com	Ms. Katrina Wilson-Davis k.wilson-davis@dadeschools.net	305 751-2700 305 751-1316 Fax	II	2
0300	Rosa Parks Charter School/Florida City <i>K-5 students will be at this location:</i> 713 West Palm Drive Florida City, FL 33034 <i>6-8 students will be at this location:</i> 303 West Palm Drive Florida City, FL 33034	Ms. Marva de Silva mdesilva@dadeschools.net	305 246-3336 305 246-3340 Fax	VI	9
5050	Sunshine Academy 14550 NE 6 Ave. North Miami, FL 33161	Ms. Alcira Manzano amanzano@dadeschools.net	305 947-3650 305 947-3609 Fax	II	1
1010	The Charter School at Waterstone 855 East Waterstone Way Homestead, FL 33033	Dr. Cristina Cruz cristinacruz@dadeschools.net	305 248-6206 305 248-6208 Fax	VI	9
1020	Youth Co-Op Charter School 12051 W. Okeechobee Rd. Hialeah Gardens, FL 33018 http://yccs.dadeschools.net/	Ms. Maritza Aragon maragon@dadeschools.net	305 819-8855 305 819-8455 Fax	I	4
MIDDLE/SENIOR HIGH SCHOOLS					
6040	Grades 6-12 Doctors Charter School of Miami Shores 11301 NW 5 Ave. Miami Shores, FL 33168	Ms. Marjorie Wessel 929618@dadeschools.net	305 754-2381 305 751-5833 Fax	II	2
6009	Grades 6-9 Mater East Academy Middle School 450 SW 4 St. Miami, FL 33130	Ms. Ana Valdes anavaldes@dadeschools.net	305 324-4667 305 324-6580 Fax	IV	6

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
6027	Grades 8-12 Transitional Learning Academy 1411 NW 14 Ave. Miami, Florida 33125 <i>Special Education only</i>	Ms. Pamela Miller pammiller@dadeschools.net	Temporary: 305 325-1080 305 325-1044 Fax	IV	5
SENIOR HIGH SCHOOLS (9-12)					
7022	Academy of Arts & Minds 3138 Commodore Plaza Miami, FL 33133 http://www.aandm.net	Mr. Alex Tamargo atamargo@dadeschools.net	305 448-1100 305 448-9737 Fax	IV	6
7020	Doral Academy High School 11100 NW 27 St. Doral, FL 33172 http://dachs.dadeschools.net	Mr. Frank Jimenez fjimenez@dadeschools.net	305 597-9950 305 477-6762 Fax	III	5
7009	Doral Performing Arts & Entertainment Academy 11100 NW 27 St., Doral, FL 33172 and 2601 NW 112 Ave., Doral, FL 33172 http://dachs.dadeschools.net	Ms. Eleonora Cuesta ecuesta@dadeschools.net	305 591-0020 305 591-9251 Fax	IV	6
7007	International Studies Charter High School 396 Alhambra Circle Coral Gables, FL 33134 http://ischs.dadeschools.net/	Mr. Victor Rodriguez vicrodriguez@dadeschools.net	305 442-7449 305 442-7729 Fax	IV	6
7015	Life Skills Center Miami-Dade County 3535 NW 7 Street Miami, FL 33125	Mr. Jose Filpo 926264@dadeschools.net	305 643-9111 305 643-9141 Fax	IV	5
7017	<i>Opened August 2006</i> Life Skills Center Opa Locka 3400 NW 135 St. Opa locka, FL 33054	Mr. Erik Rashad erashad@dadeschools.net	305 685-1415 305 685-1614 Fax	III	2
7160	Mater Academy Charter High School 7901 NW 103 St. Hialeah Gardens, FL 33016 http://materacademyhigh.dadeschools.net	Ms. Judith Marty JMarty@dadeschools.net	305 828-1886 305 828-6175 Fax	I	4
7018	<i>Opened August 2006</i> Mater Academy Lakes High School 5875 NW 163 St. Miami Lakes, FL 33014 <i>Temporary location for 2006-2007:</i> 9010 NW 178 Ln. Miami Gardens, FL 33018	Mr. Rene Roviroso rroviroso@dadeschools.net	Temporary: 305 512-9775 305 512-3708 Fax	I	4

M
2

CHARTER SCHOOLS 2006-2007					
W/L Code	Name and Address of Charter School	School Principal/Director E-Mail Address	Telephone Number Fax Number	Regional Center	Voting District
7014	Mater Performing Arts & Entertainment Academy 7901 NW 103 St. Hialeah Gardens, FL 33016	Ms. Christine McGuinn cmcguinn@dadeschools.net	305 828-1886 305 828-6175 Fax	I	4
7030	School for Integrated Academics & Technologies (SIATech) Main Campus: Homestead Job Corps Center 12350 SW 285 St., Homestead, FL 33033	Ms. Marjorie Lopez lopezma@dadeschools.net	Main: 305 258-9477 305 258-9584 Fax	VI	9
	North Campus: Miami Job Corps Center 3050 NW 183 St., Miami Gardens FL 33056		North Campus: 305 624-1144 305 624-9172 Fax	I	1
7042	Somerset Academy Charter High School SW 117 Ave. & 232 St., Miami, FL 33170 Temporary locations: 2601 NW 112 Ave., Doral, FL 33172 and 11100 NW 27 St., Doral, FL 33172 http://dachs.dadeschools.net	Mr. Jose Baca josebaca@dadeschools.net	Temporary numbers: 305 597-9950 305 477-6762 Fax	III	5

SCHOOL NAME	SCHOOL NAME
1. Academy of Arts & Minds <i>(Senior High School)</i>	30. Mater Academy Charter High School <i>(Senior High School)</i>
2. Archimedean Academy <i>(Elementary)</i>	31. Mater Academy Lakes High School <i>(Senior High School)</i>
3. Archimedean Middle Conservatory <i>(Middle)</i>	32. Mater Academy Lakes Middle School <i>(Middle)</i>
4. ASPIRA Eugenio Maria de Hostos Youth Leadership <i>(Middle)</i>	33. Mater East Academy Middle School <i>(Middle/Senior)</i>
5. ASPIRA South Youth Leadership Charter School <i>(Middle)</i>	34. Mater Gardens Academy <i>(Elementary)</i>
6. ASPIRA Youth Leadership Charter School <i>(Middle)</i>	35. Mater Gardens Academy Middle School <i>(Middle)</i>
7. Aventura City of Excellence Charter School <i>(K-8 Center)</i>	36. Mater Performing Arts & Entertainment Academy <i>(Senior High School)</i>
8. Balere Language Academy <i>(K-8 Center)</i>	37. Miami Children's Museum Charter School <i>(Elementary)</i>
9. Coral Reef Montessori Academy Charter School <i>(K-8 Center)</i>	38. Miami Community Charter School <i>(Elementary K-6)</i>
10. Cooperative Charter School <i>(Elementary)</i>	39. Oxford Academy of Miami <i>(Elementary)</i>
11. Doctors Charter School of Miami Shores <i>(Middle/Senior)</i>	40. Pinecrest Academy Charter Middle School <i>(Middle)</i>
12. Doral Academy <i>(Elementary)</i>	41. Pinecrest Academy (South Campus) <i>(Elementary)</i>
13. Doral Academy High School <i>(Senior High School)</i>	42. Pinecrest Preparatory Academy <i>(Elementary)</i>
14. Doral Academy Charter Middle School <i>(Middle)</i>	43. Renaissance Elementary Charter School <i>(Elementary)</i>
15. Doral Performing Arts & Entertainment Academy <i>(Senior High School)</i>	44. Renaissance Middle Charter School <i>(Middle)</i>
16. Downtown Miami Charter School <i>(Elementary K-6)</i>	45. Rosa Parks Charter School/Florida City <i>(K-8 Center)</i>
17. Early Beginnings Academy – Civic Center <i>(Elementary)</i>	46. Sandor Wiener School of Opportunity <i>(Elementary)</i>
18. Early Beginnings Academy – North Shore <i>(Elementary)</i>	47. Sandor Wiener School of Opportunity, South <i>(Elementary)</i>
19. EXcel Academy <i>(Elementary)</i>	48. School for Integrated Academics & Technologies (SIATech) <i>(Senior High School)</i>
20. Florida International Academy <i>(Middle)</i>	49. Somerset Academy <i>(Elementary)</i>
21. International Studies Charter High School <i>(Senior High School)</i>	50. Somerset Academy Charter High School <i>(Senior High School)</i>
22. Keys Gate Charter School <i>(K-8 Center)</i>	51. Somerset Academy Charter Middle School <i>(Middle)</i>
23. Lawrence Academy <i>(Middle)</i>	52. Spirit City Academy <i>(Middle)</i>
24. Liberty City Charter School <i>(K-8 Center)</i>	53. Sunshine Academy <i>(K-8 Center)</i>
25. Life Skills Center Miami-Dade County <i>(Senior High School)</i>	54. The Charter School at Waterstone <i>(K-8 Center)</i>
26. Life Skills Center Opa-Locka <i>(Senior High School)</i>	55. Theodore R. and Thelma A. Gibson Charter School <i>(K-8 Center)</i>
27. Mater Academy East Charter School <i>(Elementary)</i>	56. Transitional Learning Academy <i>(Middle/Senior)</i>
28. Mater Academy <i>(Elementary)</i>	57. Youth Co-Op Charter School <i>(K-8 Center)</i>
29. Mater Academy Charter Middle School <i>(Middle)</i>	

Memorandum



Date: 22-SEP-05
To: Diane O'Quinn Williams, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue
Subject: Z2005000285

Fire Prevention Unit:

Fire Water & Engineering has no objection to plans presented with letter of intent dated September 6 2005. Applicant must submit changes to this plan for review and approval.

Service Impact/Demand:

Development for the above Z2005000285
located at THE SOUTHWEST CORNER OF S.W. 112 AVENUE & S.W. 170 TERRACE, MIAMI-DADE COUNTY,
FLORIDA.

in Police Grid 2145 is proposed as the following:

3 single	dwelling units	industrial	square feet
multifamily	dwelling units	institutional	square feet
commercial	square feet	nursing home	square feet

Based on this development information, estimated service impact is: 0.8 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 50 - 9798 Hibiscus Street

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
None

Fire Planning Additional Comments:

Current service impact calculated based on letter of intent dated September 6 2005. Substantial changes to the letter of intent will require additional service impact analysis.

DATE: 05/21/07

REVISION 2

TEAM METRO

ENFORCEMENT HISTORY

MIGUEL A. BRIZUELA

THE SOUTHEAST CORNER OF SW
112 AVENUE & SW 170 TERRACE,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

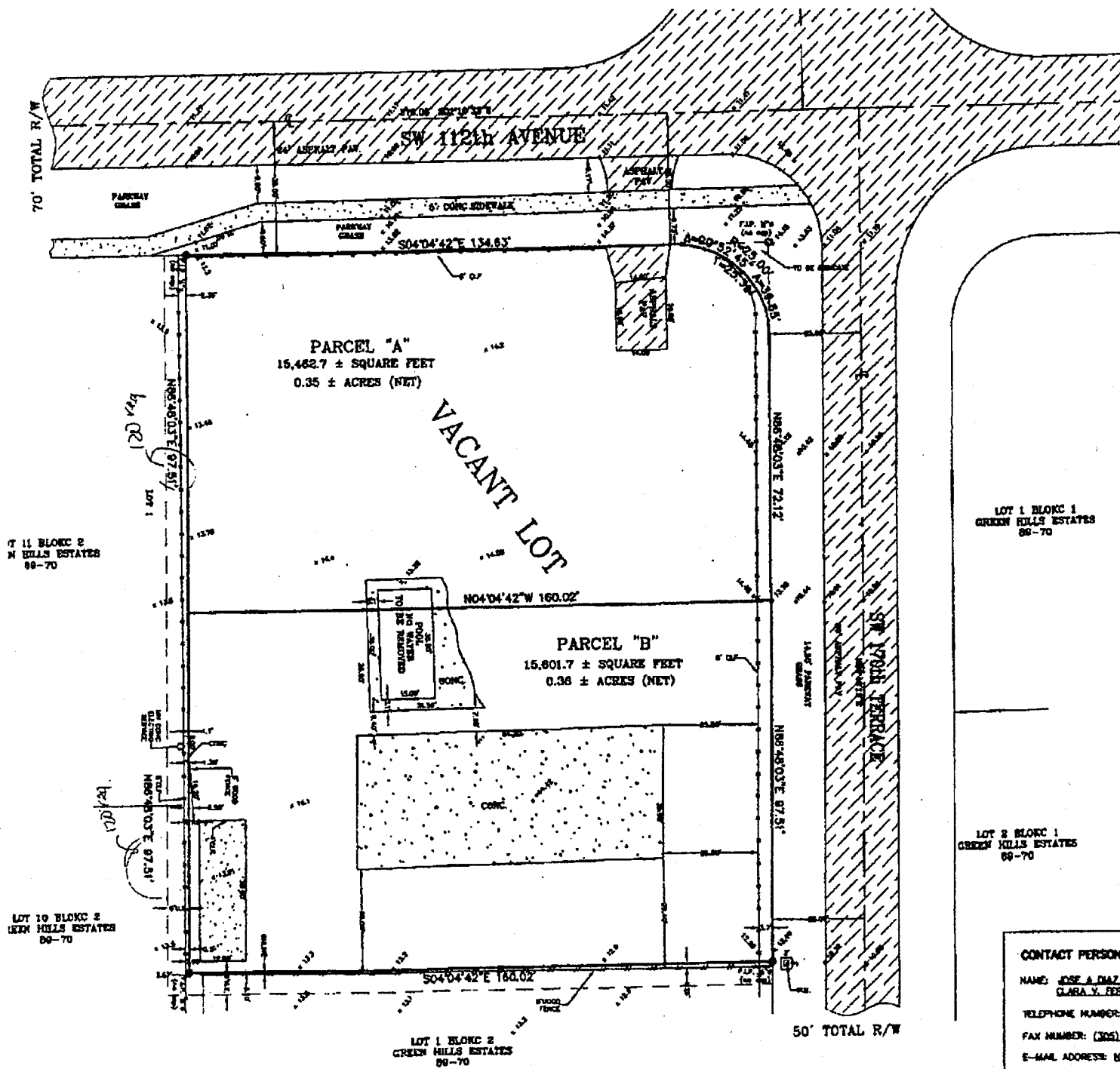
ADDRESS

Z2005000285

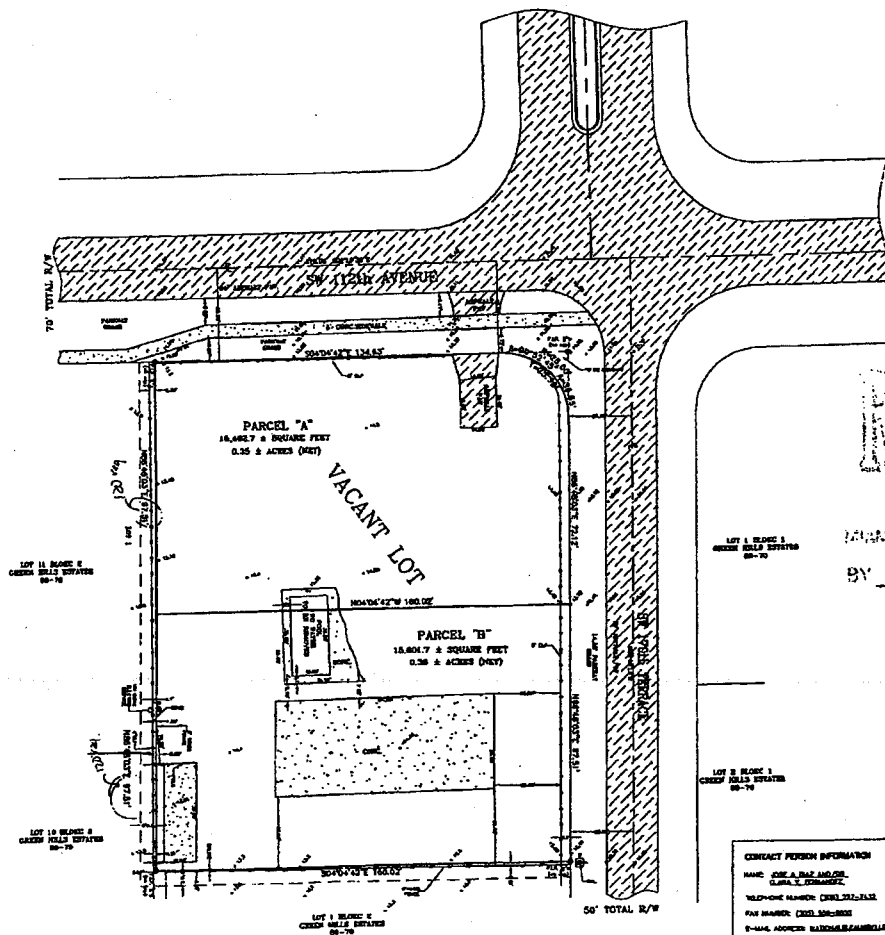
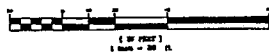
HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

There are no active enforcement cases for this property. All previously cited violations have been corrected and the cases were closed.



GRAPHIC SCALE



LOT 1, BLOCK 2
GREEN HILLS ESTATES
88-73

LOT 2 BLOCK 1
GREEN HILLS ESTATES

CONTACT PERSON INFORMATION

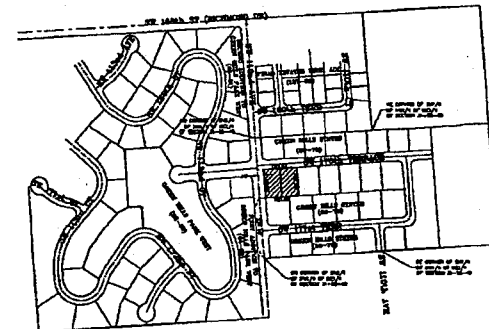
NAME: JOSE A. DIAZ AND/OR
CLARA Y. RODRIGUEZ
TELEPHONE NUMBER: (303) 327-1432
FAX NUMBER: (303) 326-8803
E-MAIL ADDRESS: RATIONALISM@AOL.COM

SURVEYOR'S NOTE

- 1) ELEVATION SHOWN REFER TO THE NATIONAL GEODETIC VERTICAL DATUM
(NADNA 1929)
- 2) BROWN MARK USED
50559 BC-34 11.63
- 3) 59 18' 57" - 34" SOUTH OF G/L
SW 1/2 A/E - 34" WEST OF G/L
1/4 A/E SW OF E CORNER NW 1/4 OF SEC 31-35-40 (PMO)
- 4) 1/4 A/E SW OF E CORNER NW 1/4 OF SEC 31-35-40 (PMO)
1/4 A/E SW OF E CORNER NW 1/4 OF SEC 31-35-40 (PMO)
NOVO 1928
- 5) PRESENT ZONING - M2
- 6) PROPOSED ZONING - C2-40
- 7) FLOOD CHARTS - 7.00 FEET BASED ON FLOOD CHARTS MAP, P. 126, AT
1/4 A/E SW OF E CORNER NW 1/4 OF SEC 31-35-40 (PMO)
- 8) PROPOSED:
TO BUY TWO PARCELS
- PREPARED FOR: MRS. BRUNELLA
10351 SW 72 STREET & 110
MIAMI, FLORIDA 33157
TEL. 788-4847 4133

SCALE: 1"-300'

SEC. 31, TOWNSHIP 66 SOUTH, RANGE 40 EAST



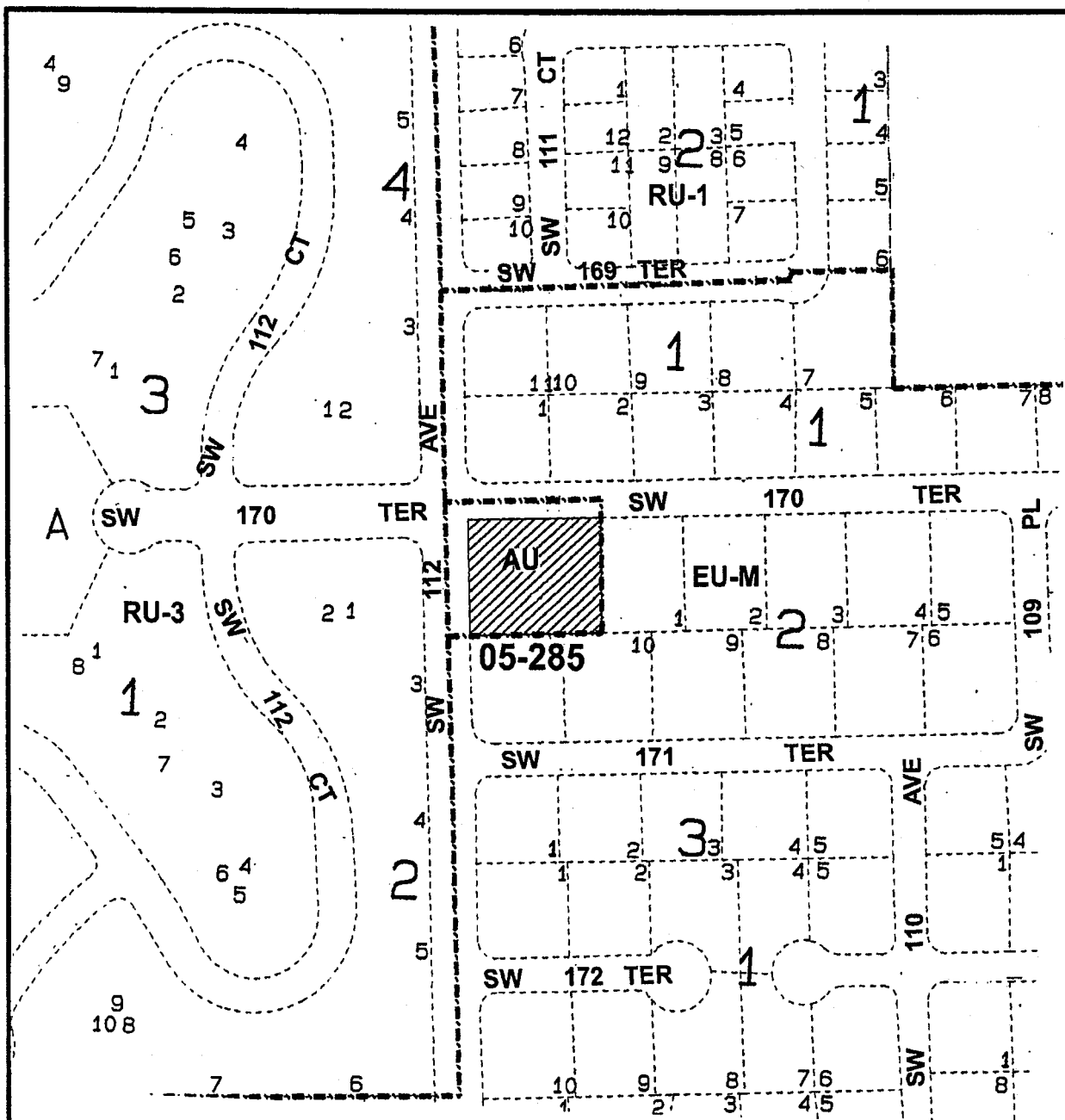
LEGAL DESCRIPTION:

PARENT TRACT:
THE WEST 230 FEET OF THE SOUTH 160 FEET OF THE NORTH ½ OF THE SOUTHWEST ¼ OF THE
NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 31, TOWNSHIP 33 SOUTH, RANGE 40 EAST, LESS
THE WEST 35 FEET FOR ROAD RIGHT OF WAY MIAMI-DADE COUNTY, FLORIDA

PARCEL "A"
THE WEST ¼ OF THE WEST 230 FEET OF THE SOUTH 180 FEET OF THE NORTH ¼ OF THE
SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 31, TOWNSHIP 55
SOUTH, RANGE 40 EAST, LESS THE WEST 33 FEET FOR ROAD RIGHT OF WAY MIAMI-DADE COUNTY,
FLORIDA

PARCEL "B"
THE EAST ¼ OF THE WEST 230 FEET OF THE SOUTH 180 FEET OF THE NORTH ¼ OF THE
SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 31, TOWNSHIP 55
SOUTH, RANGE 40 EAST, LESS THE WEST 33 FEET FOR ROAD RIGHT OF WAY MIAMI-DADE COUNTY,
FLORIDA

FLOOD TOWN INFORMATION			LOCATION SECTION			Scale 1" = 1/2 MI.	
FLOODING NUMBER	FLOOD NUMBER	DATE OF FLOOD	FLOOD TOWN	STATE OF FLOOD	FLOOD TOWN	DATE OF FLOOD	DATE OF FLOOD
19000	10		APPLICATION FOR FLOOD			19000	10
<p>JOSE A. DIAZ PHS 2708</p> <p>PROFESSIONAL SURVEYOR</p> <p>AND MAPPER</p> <p>CERTIFICATE NUMBER 10 2708</p>			<p>19000 35 28th. ST.</p> <p>MAP NO. 1</p> <p>SURVEY 1a</p> <p>MADE, PA. 10173</p> <p>PA-012197-10101</p>			<p>AMERICAN FIRST FINANCIAL CORPORATION</p> <p>ORDER NO. 35-18143</p>	



MIAMI-DADE COUNTY HEARING MAP

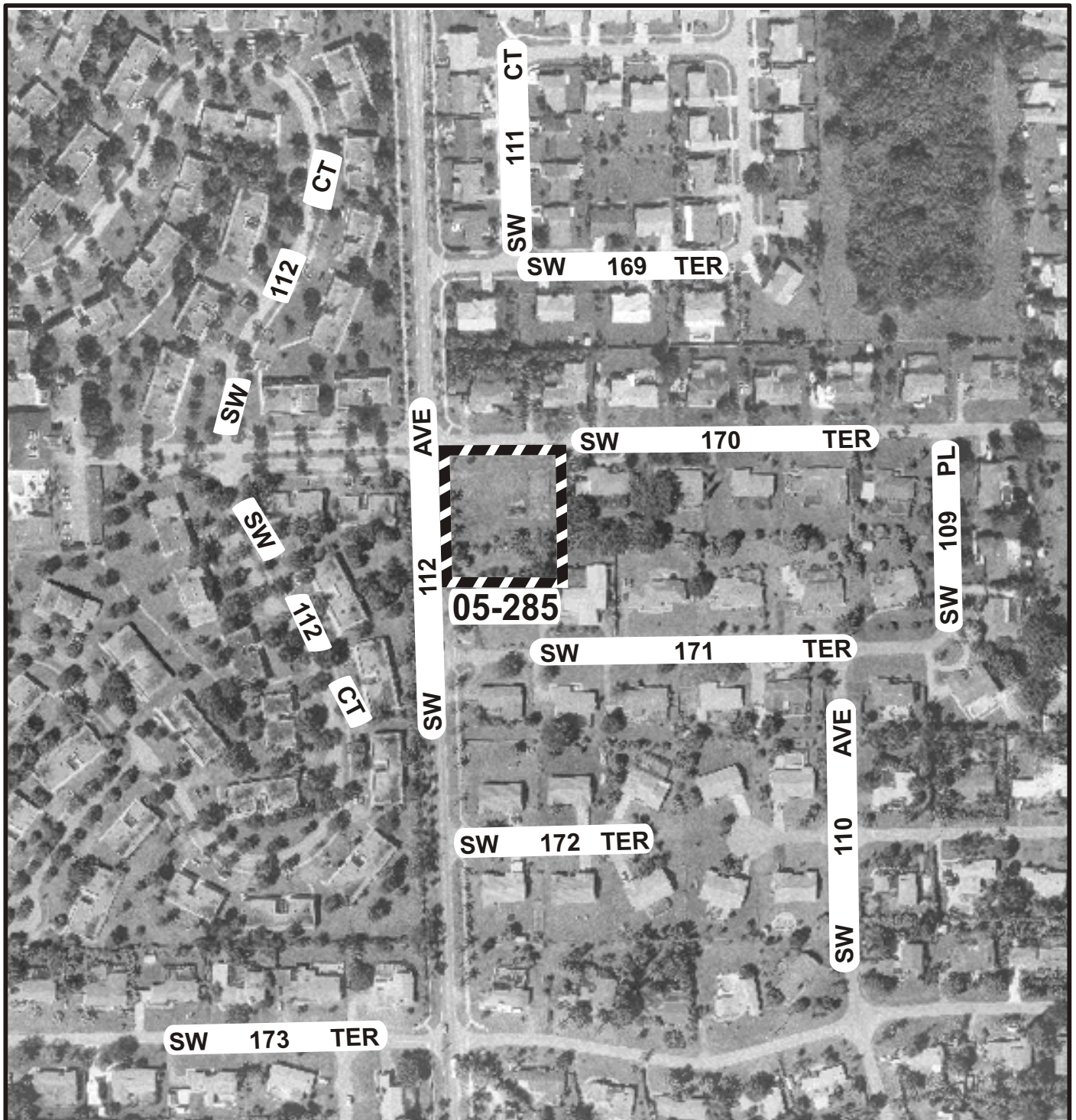
Section: 31 Township: 55 Range: 40
 Process Number: 05-285
 Applicant: MIGUEL A. BRIZUELA
 Zoning Board: C14
 District Number: 09
 Drafter ID: ERIC
 Scale: 1:200'

S C A L E
 0 NTS N

 SUBJECT PROPERTY



G:\ZONING DRAFTING\05-285_0905.
 REVISED 06/15/06
 REVISED 03/14/07 New Zone Change



MIAMI-DADE COUNTY
AERIAL


Section: 31 Township: 55 Range: 40
Process Number: 05-285
Applicant: MIGUEL A. BRIZUELA
Zoning Board: C14
District Number: 09
Drafter ID: ERIC
Scale: NTS





VOLUME 10

CONDOMINIUMS

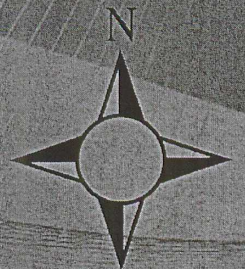


**40,000 - 30,000**
(SQ. FT.)

**22,000 - 15,000**
(SQ. FT.)

**Condominiums**

Folio No. - 30-5031-000-0041
Property: 17001 SW 112 Ave
Lot Size: 31,064.4 SQ. FT.



cb

STATE ROAD #821

